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Pressure on our space prevents our giving Reports of the Meetings of the Metropolitan and Provincial Law Association, the Solicitors' Benevolent Association, and other matter already in type.

The Solicitors' Journal.

LONDON, OCTOBER 28, 1865.

WE HAVE REASON TO BELIEVE that Mr. Lush, Q.C., has been selected to fill the vacancy caused in the Court of Queen's Bench by the resignation of Mr. Justice Crompton. The appointment will give unqualified satisfaction to the profession. Mr. Lush has never sat in Parliament, and in choosing a judge from without the narrow circle of parliamentary lawyers, the Lord Chancellor has followed an excellent precedent established some years since by himself. It is a singular circumstance that of all the judges he has made, only one possessed a seat in Parliament at the time of his being elevated to the Bench. Lord Cranworth habitually chooses the best man, whether an M.P. or not. Had Lord Westbury's system of selection been in operation during the whole of the last ten years, we should not have been able to count amongst our judges the names of Willes, Bramwell, Byles, and Channell, all of whom were appointed by Lord Cranworth, although none of them held a seat in the House of Commons whilst at the bar.

THE JUDGE OF THE TOXBIDGE COUNTY COURT cannot be justly accused of taking an impartial view of every case brought before him if we are to trust to the report of a contemporary. Last week an Irish hop-picker sued a hop-grower for twelve shillings, being, he alleged, the balance of wages for work done for the defendant. Having ascertained that the plaintiff was a Roman Catholic, Mr. James Espinasse, the judge, refused, after the plaintiff had been sworn, to receive his evidence unless he first made the sign of the cross. With this extraordinary condition the plaintiff, after some hesitation, complied, but even then he failed to convince Mr. Espinasse that he was speaking the truth, and the judge plainly and distinctly told the defendant that he disbelieved every word he had spoken. The plaintiff's witnesses were treated with similar indignity, and if Mr. Espinasse had been the defendant's advocate in a hopeless case he could not have abused the plaintiff and his witnesses in choicer terms. Judgment was pronounced thus:—"The judgment is for the defendant. These parties are the scum of the population. I am sure it is most awful at Maidstone to see the drunken women tumble about the streets. They are perfect vagabonds; and these are abominable attempts to impose on the hop-growers by the pickers."

How can anyone, having the feelings which would induce him to say to a witness, "I will not believe you on your oath unless you cross yourself, and then I will not," be considered fit to sit as judge of a county court, where so many paltry cases are brought having a tendency to try the temper of an irritable man. Because some hop-pickers are what Mr. Espinasse calls the scum of the popula-

tion, because he has seen drunken women in the streets of Maidstone, and because "they are perfect vagabonds," whomever and whatever that may mean, therefore the oath of a plaintiff who is simply endeavouring by means of the appointed channel to obtain what is due to him, and the oaths of his witnesses, are to be treated as nothing. Such a decision as that of Mr. Espinasse in the case referred to is only a ridiculous caricature of justice, and if it be a sample of the law administered in County Court Circuit No. 48, the plaintiffs, defendants, and witnesses may be assured of our sympathy.

THE VAST INCREASE in the number of dogs, kept too by persons who never pay the dog tax, owing to the laxity of the mode in which that impost is levied and collected, is notorious. All are aware of the fact except perhaps the officers whose especial duty it is to note it. The results have become serious, and we are now suffering from what is really a common nuisance and great public grievance. If we had only to complain of the fright and annoyance caused to our horses, by barking curs running after them and biting their heels, we might perhaps, pass on without complaint. But whilst the Chancellor of the Exchequer is necessitated to demand taxes, and while people are compelled to pay them, and at the same time endure the pain, mental and bodily, inflicted on them by the bites of these animals, we must, as public journalists, condemn the system which permits the nuisance. We say that if the officers who collect the assessed taxes discharged their duties, this evil could not have had existence, and we venture to call the attention of the Chancellor of the Exchequer to the fact, of which the right honourable gentleman may avail himself if he pleases for the purpose of increasing the revenue of the country, that there are hundreds of thousands of dogs in England for which the tax is never demanded and never paid. We know one town where there are at least 500 dogs whose owners never pay the duty, and which might be put under contribution to-morrow; and we know many families who keep dogs on the same terms. The assessed tax collector generally leaves the return papers at the houses of the upper classes where he expects to find armorial bearings, men servants, and hair powder. But this is not the class by whom dogs are kept, particularly in large towns. But even if the tax papers were left at the residences of a lower class, there are still hundreds of thousands of young men, and young and old women who keep no houses, who pay no taxes, whom those papers never reach, and who yet keep dogs without contributing to the revenue of the country.

A return has recently been made by order of the House of Commons, on the motion of Mr. Dawson Damer, M.P., of all persons bitten by dogs and conveyed to hospitals since the 1st of January, 1865, within the limits of the metropolis, and if the inquiry had extended over England and had been made to include all those whose cases were not admitted to hospitals, the number would be vastly augmented. As it is, it appears that at Charing-cross fifty-six cases were admitted, the greater part within the last six weeks. At the German Hospital nine; at Guy's, forty, of which one was fatal; at the London Hospital, seventy cases; at Middlesex Hospital, thirty-two; at the Royal Free Hospital, seven; besides others of a trifling character not registered; at Bartholomew's, sixty-one cases; at St. George's, twenty-eight; St. Thomas's Hospital, twenty-six;* the Seamen's Hospital, one case; at Westminster Hospital, twenty-four cases; besides those that recently occurred in Rochester-row. This is a catalogue sufficiently alarming to require some steps to be taken to stop the nuisance, which the Chancellor of the Exchequer has the power to do if he will vouchsafe to exercise it. Let the

* One man died from hydrophobia, caused by allowing his dog to lick his face; a case worthy of note by ladies who allow their dogs to indulge in similar liberties.

Right Honourable Gentleman call upon the tax collectors to return every dog kept within their districts; let the owners of the dogs be compelled to pay the duty, and let the police be empowered to destroy all dogs found at large unmuzzled, without respect to the period of the year, and we shall then find the same results that followed the passing of the recent Act imposing a duty upon the canine race in Ireland, viz, the destruction of a vast number of those animals and an increase of the revenue, for many would prefer paying the tax rather than be deprived of the society of their dogs.

COURT-MARTIAL LAW appears to have no certain rules, and to be guided by no particular plan of action. At Allahabad, on the 22nd of June, a court-martial assembled, before which Colour-Sergeant Richard Hallahan, of the 107th Foot, was arraigned on two charges—first, for having attempted to commit culpable homicide, amounting to murder, by stabbing his wife, Bridget, in the back with a bayonet; secondly, with having, without grave and sudden provocation, voluntarily caused hurt to the said Bridget Hallahan, by stabbing her as aforesaid." The Court acquitted the prisoner on the first charge, and found him guilty of the second, and sentenced him to one month's imprisonment, but, on account of his excellent character, recommended him strongly to the mercy of his Excellency the Commander-in-Chief. This view of the matter was not adopted by Sir William Mansfield, and he declined to confirm the finding of the court-martial, but sent it back for revision. Without hearing further evidence, the Court sentenced the prisoner to twelve months' imprisonment with hard labour. Now, in all probability, Colour-Sergeant Richard Hallahan deserved all he received, but surely something must be wrong when a properly-constituted tribunal can deal with a prisoner in this partial manner. One of the two sentences was clearly unjust, and, for ought we know, both were, and it may be honestly asked what confidence the country and the army can have in a species of tribunal which, having no legal knowledge among its members, is liable to form a deliberate decision contrary to the dictates of common sense. Malice on the one hand, and favouritism on the other, are equally to be avoided, and, in the absence of legal knowledge, we expect gentlemen of education to exercise their common sense, and to give their decision, whatever it may be, with unreasoning impartiality.

IF AT TIMES a complaint is made that the services of solicitors rarely receive a due appreciation, it is gratifying to be able to report one instance to the contrary. At the meeting of the Royal Mail Steam Packet Company, held on Wednesday last, an incident occurred at the termination of the proceedings which we find reported in the following terms:—

"Mr. Barnard, after expressing himself in terms of high encomium towards Mr. Maynard, the solicitor to the company, moved—That the warmest thanks of the shareholders be given to Joseph Maynard, Esq., for the efficient and successful services he has rendered to the company during a period of considerable difficulty, and that the sum of a thousand guineas be placed at the disposal of the directors to expend in the purchase of a testimonial to the highly esteemed professional adviser of the company.

The resolution, having been duly seconded, was carried by acclamation."

Such an acknowledgment of services heartily rendered does not fall to the lot of many in our profession, and Mr. Maynard may be justly proud of the distinction thus conferred upon him.

IT IS UNDERSTOOD that the Hon. G. Denman will become a candidate for the representation of Tiverton, in the room of the late Lord Palmerston.

THE LEGISLATION OF THE YEAR.

28 & 29 VICTORIE, 1865.

Cap. LXXXVI.—*An Act to amend the law of partnership.*

Very little need be added to the remarks already made* in this Journal on the Partnership Law Amendment Act. No case has as yet been, nor is at present likely to be, brought before the Courts under the Act, since a considerable time must elapse before a dispute must arise. In effect the Act is retrospective, at least so we read it, and is meant to apply to circumstances which existed at the time of its passing. The 1st section enacts that the advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, &c., shall not of itself constitute the lender a partner. Now it would appear that such a contract, to be within the terms of the Act, must be in writing, and must specify the manner of remuneration, otherwise the contract, whatever it may be, will be left to the operation of the law as it before stood. Section 2 applies to contracts of a similar nature with a servant or agent, but does not either express or imply that the terms must be in writing. Whether this omission in the second section was intentional or the contrary we are unable to determine, but it may be argued that the word contract in the second section must be construed as meaning a contract in writing as referred to in the 1st section, or, on the other hand, that had the intention been to that effect, the words "in writing" would have been added where they are now wanting. Certain it is that servants and agents are very often engaged by word of mouth, and it must often happen, when an employer advances an old servant by giving him a share of profits, no writing passes between the parties, and there is nothing to show the agreement to pay a share of profits beyond the employer's books of account which indicate its having been paid. Many poor men thus "advanced" have, no doubt, been ruined by being afterwards called upon to contribute their small savings to make good the deficient assets of a failing concern; to these, in all probability, the 2nd clause of this Act will prove of the greatest service. The benefit it will be to ordinary traders remains to be shown.

Cap. LXXXIX.—*An Act to provide for the better government of Greenwich Hospital, and the more beneficial application of the revenues thereof.*

Like many other extensive charitable institutions, Greenwich Hospital required reform in the application of its funds, and in the mode of remunerating the officers appointed to administer them. With this object in view a power is first given to her Majesty in Council to appoint pensions to officers, non-commissioned officers, and men of the royal navy and marines, and seamen of the merchant service, entitled to the benefits of Greenwich Hospital, to be enjoyed by them so long as they are not on the establishment or inmates of Greenwich Hospital, and to appoint gratuities to widows, &c. The effect of this has already been witnessed in the quitting of the hospital by several hundreds of men who were inmates, and who have accepted the pensions offered to them as well as the allowances granted to them under the 6th section.

A sweeping change is effected by the abolition of the several offices of the Commissioners and Governor and Lieutenant-Governor of Greenwich Hospital, and by giving the Admiralty power to remove all or any officers or clerks on the establishment. On the death of the person who was governor at the time of the passing of the Act an officer in the navy of rank not lower than that of Vice-Admiral is to be appointed visitor and governor, with a salary, but without any specified duties, and he is not to interfere in the government of the hospital. This sinecure post is to be a reward for naval men of merit, and as such the country will not grudge it.

The government of the hospital is to be in future

vested exclusively in the Admiralty, in whom are to be vested also the lands and the funds belonging to the Hospital. In short the whole of the property belonging to Greenwich Hospital is taken out of the hands of Commissioners, Governor, Lieutenant-Governor and their subordinates, and the whole and undivided management is given to the Admiralty, subject in some cases to the order of her Majesty in council.

Cap. XC.—*An Act for the establishment of a fire brigade within the metropolis.*

The history of the establishment of the London Fire Brigade is somewhat curious, and had we space to trace it from its commencement and compare the resources for extinguishing fires in London with those of other cities in various parts of the world, a most interesting narrative might be unfolded. It will here be sufficient to remark that in England the protection of life and property from fire has never been recognized as the duty of the Government, but the carrying out of that great public duty has been left to private enterprise. Those companies whose business consists of insuring property against fire, subscribed among themselves to maintain the fire brigade, and its state of efficiency needs no panegyric from us.

This duty is, from the 1st January, 1866, to be entrusted to the Metropolitan Board of Works, who are, for the purpose of performing it, to provide and maintain an efficient force of firemen, and to furnish them with engines and a complete equipment. As a nucleus for this establishment, all the fire-engines, escapes, plant, and property belonging to the fire-engine establishment of the insurance companies is to vest in the Board, subject to all the liabilities of the insurance companies in respect thereof.

As to the protection of life from fire, this important charge which has been hitherto undertaken by the "Royal Society for the Protection of Life from Fire," whose escape ladders are to be seen in all parts of London at night, and whose men are noted for their bravery and devotion. The Board of Works is authorized to make arrangements for establishing fire-escapes, or to contribute to the funds of the existing society, or, if they think fit, to purchase the existing fire-escapes. Human life, no less than property, is entitled to the protection of the State; and while the insurance companies' fire brigade only incidentally gave assistance to save life, because their chief concern was to look after property which might be the subject of insurance, Parliament has very properly combined the two duties in one Act, and to be performed by the same Board, as being both of them the duty, as well as the interest, of the Government.

The brigade is to be under the command of one chief officer, who, on the occasion of a fire, is to take the command of any volunteer force which may place their services at his disposal. He is to have power to remove persons interfering, and to break into or pull down houses to put an end to a fire. It is to be part of the duty of police constables to aid the fire brigade, and for that purpose to clear the streets or to close any thoroughfare and to remove persons interfering. Wherever large bodies of persons are assembled as at a fire the only mode of warding off the worst consequences of the confusion incident to the occasion is the appointment of a recognized head with full power to act as he thinks fit with all those around him. Such will be the position of the chief of the "Metropolitan Fire Brigade," and it is to be hoped that the gentleman to be appointed will possess all the qualifications necessary for so important and onerous a post.

One very important feature in this Act is contained in the last clause of the 12th section—"Any damage occasioned by the fire brigade in the due execution of their duties, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire." This will no doubt be an extra risk for the insurance companies, but it will be the means of setting at rest many questions and disputes

which might otherwise arise. In view of the extraordinary powers given to pull down houses in order to stop the course of a fire, it is necessary to make extraordinary provisions to compensate those who might suffer damage by the exercise of that power, or we might more properly say that the question of compensation is better settled by a Parliamentary enactment as to cause and effect than it would be by the expensive arbitration of an action at law.

The cost of the Metropolitan Fire Brigade is to be borne and paid as follows:—All insurance companies insuring property within the Metropolis are to pay to the Metropolitan Board of Works the sum of £35 for every million or part of a million pounds insured. In the next place the Treasury is to provide a Parliamentary grant not exceeding £10,000 in each year. And, in the next place, the metropolitan parishes may be called upon to contribute a halfpenny in the pound out of their poor rates. To supplement the fund to be thus annually raised the Board is empowered to borrow £40,000 with the consent of the Treasury.

A special clause is introduced imposing a penalty of twenty shillings on the occupiers of houses where a chimney is on fire, which penalty may be recovered in a summary way.

The establishment of the fire brigade is simply for the purpose of extinguishing fires, and does not include the salvage of property. Section 29 enacts that if the companies insuring property within the Metropolis establish a force of men charged with the duty of attending fires, and saving insured property, the fire brigade shall afford them necessary assistance without making any charge. A salvage force is unknown in this country, but in the continental cities, and especially in Berlin, such a force exists, and will present a good model on which to establish the formation of such a force in London.

The duty of extinguishing fires is one which, in most countries, is in charge of the police, but, as it is a peaceful occupation, there seems no reason why the Board of Works, whose duties are multifarious, should not take charge of a force, the chief of which will, on occasions, command even the police. The organization already exists, and the adequacy of the funds provided is the only point in the carrying out of this Act in which a doubt can arise.

Cap. XCIX.—*An Act to confer on the County Courts a limited Jurisdiction in Equity.*

To bring the Court of Chancery home to every man's door is the object of this Act, but it can hardly be anticipated that every man will be so in love with Chancery as to avail himself of its assistance, simply because it may be within his reach. The limit to the jurisdiction given to the County Courts consists in the value of the subject matter of the suit to be instituted, which must not exceed five hundred pounds. There are some who hold that litigation ought to be both difficult and expensive, in order that rash persons may be checked to some extent in carrying out their sudden impulses, but it cannot be doubted that, in these matters, the majority are content to profit by the experience of others, and do not desire to enter rashly upon a speculative chancery suit, and, on the other hand, that no risk of expense will hinder those who are determined to attempt the troubled waters.

The powers conferred on county court judges extend to give them all the powers and authorities of a judge of the High Court of Chancery in most matters which are of a purely equitable nature where the value does not exceed five hundred pounds. This jurisdiction is liable to be set aside, for by the 3rd section it is provided that any party to a suit or matter may apply by summons to one of the Vice-Chancellors at chambers, who may at once, if he think fit, or after service on the parties, transfer the suit or matter to the Court of Chancery, at the same time requiring the applicant to give security for costs. This power at first sight seems to give too great an opportunity to any suitor dissatisfied with

the jurisdiction of the County Court to attempt vexatiously to transfer the suit to the higher court, but it is in reality no greater power than ought to be given under the circumstances, and there is no cause to fear that any of the Vice-Chancellors would, idly or without consideration, remove a suit to his own Court.

Section 5 provides that a legacy, to which an infant or a person absent beyond the seas is entitled, may be paid into the Court of Chancery under the 36 Geo. 3, c. 52, s. 32, pursuant to an order of the County Court. Such a payment will have the effect of transferring the matter into the Court of Chancery, for any application for payment out of moneys so paid in must be made by summons before one of the Vice-Chancellors in chambers. This, it will be observed, practically gives the Chief Clerk of the Vice-Chancellor a jurisdiction in matters up to the value of £500, unless, indeed, it is the intention, which we doubt, that all such applications should be heard before the Vice-Chancellor in person.

With regard to jury cases the provisions of the County Court Acts relating to the summoning, empanelling, and swearing of a jury in a County Court, and to the number of the jury, and the unanimity of their verdict, are to apply to juries in equity cases.

To enable the County Court to enforce its orders, the Registrar has authority to seal and issue and the High Bailiff to execute any writ or warrant of possession, writ or warrant of execution, or other process of execution for carrying into effect any judgment, decree, or order of the said Court, such process to be in the form to be set forth in the rules and orders to be framed under the Act. Doubts have already been raised whether the County Court can enforce an order by means of a writ of attachment as is constantly done in the Court of Chancery, but it might be not unreasonably considered that such a process was contemplated by the wording of the 8th section just referred to; looking, however, to the forms set forth in the rules already issued, we find forms of several writs, but no form of a writ of attachment. It cannot be believed that the Legislature would confer a power such as this Act gives without at the same time providing the means of enforcing orders made in pursuance of that power. Among the forms we find the following which is to be endorsed on a decree:—"Take notice that unless you obey the directions contained in this order, obedience thereto will be enforced in such manner as the law provides." What manner the law provides it is difficult to imagine, unless it be the manner in which decrees in the Court of Chancery are enforced. We are not, however, entitled to read the Act by the light of the general orders, but can only infer that those who framed the latter had reason to believe that power is given for enforcing decrees.

The fees to be paid by suitors are, with the exception of three, to be received by the registrars and high bailiffs of county courts for their own use as a remuneration for the duties to be performed by them. The 12th section, which authorizes this, appears to be a "step back" in legislation. For many years the tendency of public opinion has been to advocate the remuneration of every official by means of a salary, and not by the uncertain, and, to the public, unsatisfactory medium of fees. It is true that in the case of the County Courts the amount of the fees will be the exact measure of the extra work now imposed upon the registrars, but in course of time, if the equity business increases largely, more registrars may be required in some places, and then the equity fees will be insufficient for two, or they must be altered in amount to meet the necessities of the case. A moderate salary, in addition to the present remuneration of the county court registrars, would have been more in accordance with the prevailing notions on this subject, and would, moreover, have facilitated the payment of fees by means of stamps. The judges are to have an addition of £300 a-year to their present salaries, and the maximum salary is in future to be £1,500 a-year.

The 16th section directs that rules and orders shall be

framed by the county court judges appointed to frame rules, and the rules and orders so framed are to be allowed by the Lord Chancellor. These rules and orders have been already published in another part of this Journal; and our readers, or such of them as are intimately acquainted with the working of the Court of Chancery, will be enabled to see for themselves the very crude state in which they are, and the numerous alterations and additions which will be required before they will be in working order.

In form No. 20 there is a clause which purports to direct that all inquiries and accounts in the preceding part of the order shall be completed by a day to be named in the order. Now it is well known that in the majority of cases no estimate can be made of the time which will be required for that purpose, and that it is simply ridiculous to name a time beforehand. Out of this clause, therefore, we may anticipate immense confusion and innumerable motions to enlarge time.

Form 27 is that of a final decree in a partnership suit, and directs that the fund in court be applied in the first instance in payment of the debts due by the partnership; and, secondly, in payment of the costs of all parties to the suit, the amount of which costs is to be ascertained before the decree is drawn up, and to be named in the order.

A considerable difficulty will be found in this. The costs ought, in every instance, to be paid first, and then the party who has to make good any balance, should be ordered to bring it into court; but if there is such a balance to be brought in, the costs cannot with certainty be ascertained. Then again, is the Registrar to tax the costs as well as draw up the order?

The "notice to change attorney" as it is called (form 37), is admirably simple and runs thus:—"Take notice that I, A. B., have hitherto employed as my attorney, G. H., in the above-mentioned cause, but that I have ceased to employ him, and that my present attorney is I. K." This is "a new way to pay old debts," poor G. H. has refused to go on without money, and so he is discharged, and I. K. is taken on in his stead, and so on all through the alphabet. These are not one tithe of the strange things which may be noticed in the rules now issued, but of course they will be amended as time goes on.

An appeal is given to the Vice-Chancellor, but that appeal must be made within thirty days after the date of the decision appealed from, and the decree of the Vice-Chancellor made upon that appeal is to be final.

Such a sum as £500 would to many be of as much value as the like number of thousands would be to others in a higher walk of life. Now it may be fairly questioned whether the Act will not, from this cause alone, be the means of bringing into the Court of Chancery a large number of appeals. The causes of suitors in the county courts are to them of as much importance as are the suits for larger amounts to others, and the same reasons for going to the appeal court will hold good in the one case as in the other, no consideration of expense being of importance compared with the grand object of gaining the suit.

It has indeed been questioned whether our present staff of county court judges have, as a rule, sufficient knowledge of equity to enable them to decide satisfactorily the numerous points which will be brought before them; be that as it may, we may take it for granted that the class of persons who will make use of this new equitable jurisdiction, will be of that very class who would be most inclined to dispute the decision of a county court judge, so long as the decision of a higher tribunal might be sought for.

The Act has already been treated of in a former number of this Journal to which our readers are referred.*

Cap. CIV.—*An Act to amend the procedure and practice in Crown suits in the Court of Exchequer, at Westminster, and for other purposes.*

This very important Act comes into operation on the

1st of November, 1865. It is divided into five parts, the first containing preliminary clauses; the second relates to "proceedings by English information in the Court of Exchequer;" the third deals with "proceedings at law on the Revenue Side of the Court of Exchequer;" the fourth applies to "certain other classes of proceedings where the Crown is interested," and the fifth relates to the "recovery of succession, legacy, and probate duty in certain cases."

On reference to the 15th & 16th Viet. c. 86, it will be found that the practice on information in the Court of Exchequer is by this Act assimilated to that of the Court of Chancery upon bill, and that the latter Act is framed upon the model of the former with the additional light which thirteen years experience in the altered Chancery practice has afforded.

Informations are to be printed, and will be served with an indorsement, instead of a writ of *subpoena* to appear and answer. The information is not to contain interrogatories, but the informant may file interrogatories for the examination of defendants from whom he requires an answer, and a defendant will not be bound to put in an answer unless interrogatories have been filed. In other respects, also, suits by information in the Court of Exchequer are made to follow the model of the Court of Chancery, but it is unnecessary to enter here upon all the details.

With respect to proceedings at law on the revenue side of the Court of Exchequer, such of the provisions of the Common Law procedure Act, 1854, as apply are adopted into this Act.

In the matter of Crown debts the 48th section enacts that any judgment, &c., obtained after the commencement of the Act, by or on behalf of the Crown, or any recognizance entered into, or any inquisition finding, after the commencement of the Act, a debt due to the Crown, &c., &c., shall not affect any land of whatever tenure, as to a *bona fide* purchaser for valuable consideration, or a mortgagee (whether such purchaser or mortgagee have or have not notice thereof) unless a writ of extent or of *diem clausit extremum*, or other writ or process of execution has been issued and registered before the execution of the conveyance on mortgage, and the payment of the purchase or mortgage money. The 49th section prescribes the mode of registration of Crown debts. The importance of this enactment to all conveyancers is great, and deserves particular attention.

The 55th section empowers the Commissioners of Inland Revenue to sue out a writ of summons out of the Court of Exchequer against any person chargeable with legacy or succession duty who makes default in delivering an account. Or if an assessment has been made and no notice of appeal given, the commissioners may take out a writ of summons commanding the person liable for the duty to pay it or to show cause to the contrary. An appeal may be made to the Court of Error in the Exchequer Chamber, and the decision of that Court will be subject to appeal to the House of Lords. In this short notice it would be impossible to do justice to this very important Act, but we hope to recur to it at some future period.

Cap. CXIII.—*An Act to authorize the payment of retiring pensions to colonial governors.*

It has been a source of trouble to other administrations than that of the late Lord Palmerston that the law did not adequately provide for the retiring pensions of colonial governors. These gentlemen are, in a large number of cases, chosen from among old army and navy officers who have done good service to their country, but who are often too far advanced in life at the time of their appointment to be able to serve the time necessary to entitle them to a pension. We believe we are correct in saying that the case of Sir Francis Head, who was formerly governor of Canada, gave rise to this Act.

The full rate of pension for colonial governors, and the time when the full rate may be granted, are prescribed. A reduced rate of pension is also provided for

those who are not entitled to the full amount. Those who are entitled to half-pay, &c., will have the pension to which they may be entitled under this Act reduced by half the amount of such half-pay. Persons receiving pensions as colonial governors are bound to accept employment until the age of sixty, and, unless prevented by infirmity, must retain office until the age of sixty-five. In case any colonial governor shall not become entitled to a pension under this Act, and shall have been employed in the permanent civil service, the time during which he has served as governor may be computed as having been passed in the permanent civil service in calculating an allowance under the Superannuation Act, 1859.

Cap. CXXI.—*An Act to amend "The Salmon Fishery Act, 1861."*

As one of the natural products of the country of great service as food, the culture of salmon has been allowed to fall into disuse until the fish, which was at one time a common article of food in towns situated on the banks of salmon rivers, has become a rare and expensive luxury, only accessible to the wealthier classes. For some years before 1861 the attention of naturalists had been attracted to inquire the reason for this falling off in the supply of salmon, and it was then made public that the irregular modes of capturing the fish exercised in public waters had been the sole cause of the failure. The Act of 1861, while it has in some measure brought about a change and effected a slight increase in the supply, has been found to fail in several particulars, especially in the matter of funds.

The Act under consideration provides for the appointment of conservators of a fishery district and for the maintenance of the fishery. In order to provide funds to pay for the preservation of the fishery the conservators are to be at liberty to borrow money at interest on the security of the licences to be granted under the Act. Persons using a rod and line for fishing for salmon must have a licence; and a licence must also be taken in respect of all fishing weirs, fishing mill-dams, putts, putches, nets, or other instruments, and the money produced by such licences is to be applied in defraying the expenses of carrying this Act and the Salmon Fishery Act, 1861, into effect. The penalty for fishing without a licence is to be not less than double the amount paid for a licence, but in case of the use of a rod and line is not to exceed five pounds, and for the use of any other instruments liable to a licence is not to exceed twenty pounds. Persons fishing, who refuse to produce their licence, are to be liable to a penalty of one pound.

Commissioners are to be appointed under the sign manual, not exceeding three in number, one of whom shall be a barrister of not less than seven years standing. They are to have the same powers as the judges of one of the superior Courts have, to examine witnesses, and to enforce their attendance and the production of documents. These commissioners are to be called "the Special Commissioners for English fisheries," and they will have the charge of maintaining fisheries under this Act.

A heavy penalty is imposed on the exportation of salmon within the prohibited times, so that there will be henceforth no temptation to trap unseasonable fish, because there will be no market for them.

There can be no doubt that salmon fisheries have become a very proper object for legislation, and there is every reason to suppose that the present Act will be the means of bringing into the market at reasonable times a large supply of very wholesome and nourishing food, which, after a few years, will be obtainable at a moderate price.

Cap. CXXII.—*An Act to amend the law as to the subscriptions and declarations to be made and oaths to be taken by the clergy of the Established Church of England and Ireland.*

The three first sections of this Act contain the three declarations in their altered form to be made by the

clergy. The first is the declaration of assent, which is to be made and subscribed by every person about to be ordained priest or deacon, and is also to be made in public at the time of "reading himself in," when collated to any benefice; it is as follows:—"I, A. B., do solemnly make the following declaration, I assent to the thirty-nine Articles of Religion, and to the Book of Common Prayer, and of the ordering of bishops, priests, and deacons. I believe the doctrine of the United Church of England and Ireland, as therein set forth, to be agreeable to the Word of God; and in public prayer and administration of the sacraments I will use the form in the said book prescribed, and none other, except so far as shall be ordered by lawful authority."

The second section contains the declaration to be made by any person collated to a benefice, before the time of his collation, and is called the declaration of assent:—

"I, A. B., solemnly declare that I have not made, by myself or by any other person on my behalf, any payment, contract, or promise, of any kind whatsoever, which, to the best of my knowledge or belief, is simoniacal, touching or concerning the obtaining the preferment of —, nor will I, at any time hereafter, perform or satisfy, in whole or in part, any such kind of payment, contract, or promise, made by any other without my knowledge or consent."

Every person about to be licensed to a stipendiary curacy is required to sign the third declaration, as is also the incumbent of the benefice to which he is about to be licensed.

"I, A. B., incumbent of —, *bonâ fide* undertake to pay to C. D., of —, the annual sum of — pounds as a stipend for his services as curate; and I, C. D., *bonâ fide* intend to receive the whole of the said stipend. And each of us, A. B. and C. D., declare that no abatement is to be made out of the said stipend in respect of rent or consideration for the use of the glebe house; and that I, A. B., undertake to pay the same, and I, C. D., intend to receive the same without any deduction or abatement whatsoever."

No oaths are to be administered during the service for the ordering of deacons, or during the service for ordering of priests, or during the service for the consecration of archbishops and bishops; but nothing in the Act is to affect the oath of canonical obedience, or the oath of due obedience to the Archbishop taken by bishops on consecration. A long schedule of repealed Acts, commencing in the reign of Henry VIII., and coming down to the present Sovereign, is appended to the Act, and from it we are enabled to form a judgment as to the amount of legislative labour bestowed on this subject. This Act is sufficiently simple for all purposes, and its provisions are intelligible to even the meanest capacity.

Cap. CXI.—*An Act to regulate the disposal of money and effects under the control of the Admiralty belonging to deceased officers, seamen, and marines of the Royal Navy, and Marines and other persons.*

This Act, which is to come into force on the 1st January, 1866, applies to the disposal of such property of deceased officers, seamen, and marines as may be in the hands of the Admiralty, at the time of decease, and is intended to facilitate the payment of small sums to surviving relations and others. The object is a laudable one, and if the Act be fairly and honestly carried out in the spirit which it has been framed, it will confer a boon on a large number of poor people (the relatives of our sailors and marines), who, through their extreme ignorance of all legal matters, are at present peculiarly liable to become the prey of designing persons; but the discretionary power vested by it in the Admiralty is so great that, if the letter rather than the spirit be adhered to, there is reason to apprehend that it may cause grave dissatisfaction in the navy.

Section 6 provides that, when the property does not exceed £100, representation need not be taken out unless specially required by the Admiralty. When representa-

tion is not taken out, payment can be made under section 8 (1) to any person who may satisfy the Admiralty as to title on the understanding that the money will be applied in due course of administration, for which application the Admiralty may require security; or, (2) in proper proportions, to the persons (if any) beneficially interested; and, (3) if the foregoing provisions do not apply then the Admiralty can dispose of the money as may be direct by Order in Council. Section 7 enables the Admiralty to refuse to acknowledge representation taken out by a creditor as such. Section 11 provides for the payment of debts of which the Admiralty may have notice in cases where representation is not taken out, but especial care is taken to leave the decision in the hands of the Admiralty, creditors being debarred from any proceedings beyond lodging their claims. The claims, however, of creditors in respect of debts incurred before the commencement of the Act are saved. Property under the value of £100, for which representation is not taken out, will not pay duty, and bonds for the application of such property by the payees, will be exempt from stamps. A special provision is made in section 13 for the disposal of medals and decorations in possession of persons dying on service. These articles are not to be reckoned as other personal property, but are to be held and disposed of according to regulations prescribed by Order in Council. But what such regulations are, or are to be, is not even hinted.

By section 16 all action taken by the Admiralty is valid as against everyone, and the Admiralty is absolutely discharged from all liability in respect of property disposed of under the Act. The 17th section, though one of the shortest, is the most important of all. It runs thus:—"Her Majesty in Council" [that is the Admiralty] "may from time to time make such Orders in Council as seems meet for the better execution of the purposes of this Act."

It is not, as has already been observed, within the province of this Journal to question the propriety of the proceedings of Parliament, but it may be permitted to us to hazard a remark as to the risk of entrusting, not only the execution, but the interpretation of an Act to a department of the executive so little fitted for such power as the Admiralty.

Cap. CXII.—*An Act to repeal enactments relating to powers of the Commissioners of the Admiralty, and to various matters under the control of the Admiralty.*

Cap. CXXIV.—*An Act for consolidating certain enactments relating to the Admiralty.*

The first of these merely formally repeals certain Acts (of which a schedule is given), which have either already ceased to be in force, or will so cease on the commencement of certain other Acts passed during the recent session of Parliament.

The second summarises the powers of the Admiralty in regard to instituting actions and conducting prosecutions, and specifies the punishments for uttering false petitions, fictitious certificates, &c., and for personation of seamen, &c. It does not seem to call for any remark beyond a notice of the fact that provision is made in this as in other recent enactments for payment or receipt of costs by the Crown, according to ordinary law and practice.

Cap. CXXVI.—*An Act to consolidate and amend the law relating to prisons.*

In rather a long Act of 82 sections the whole subject of prisons is here dealt with and regulated, with the exception of those for the reception of convicts; and of military and naval places of confinement.

Every prison jurisdiction (which is defined to mean every county, riding, division, hundred, franchise, borough, town, or other place which maintains a separate prison, or would be liable at law to maintain a separate prison if accommodation were not provided for its prisoners in some other jurisdictions) must provide accommodation for its own prisoners, the costs of which are to be defrayed out of the county rate.

The appointment and pay of prison officers and their superannuation allowance is regulated with much minuteness. The prison discipline is also distinctly defined, and in every case males are to be separated from females, and debtors from convicted felons. Every prison must provide for such of its prisoners as are sentenced to hard labour some work of the several descriptions specified in the Act. In case any prison jurisdiction should fail to provide an adequate prison, the Government allowance may be withheld, or an unfit building may be closed by order of the Secretary of State.

Heavy penalties are imposed on persons assisting prisoners to escape, or providing them with spirits, beer, or tobacco, or carrying letters into or out of the prison contrary to the regulations.

On the discharge of any prisoner at the expiration of his sentence, he is to be provided with an allowance of money not exceeding two pounds, and the visiting justices may also pay his railway fare or expenses to the place of his settlement.

Whenever a prisoner dies within a prison from whatever cause, the coroner must hold an inquest on his body.

The distinction between a common gaol and a house of correction is abolished, and every prison may come under both denominations, if so certified by the Secretary of State, but in places where there are two or more prisons each may be used for a separate class of prisoners.

The unseemly conflict between the keepers of some of the London prisons is hereby put to an end, and justice will not hereafter be defrauded by the refusal to receive any special class of prisoners.

The irregularities which had arisen in some quarters required the powerful arm of the Legislature to deal with them, and we do not know of a single abuse for which the powers given by this Act are incapable of enforcing a remedy.

Cap. CXXXVII.—An Act to amend the law relating to small penalties.

Great uncertainty and unevenness has been found to exist in the imposition of the alternative penalty of imprisonment where default is made in payment of a fine, and although each police magistrate and each justice had perhaps his own rule of action in such cases, the practice was not the same everywhere, and it was impossible to define with certainty what would be the maximum term of imprisonment in default of payment. So great an outcry has been raised within the last few years, that justice is not equally administered, and that there is one law for the rich and another for the poor, that it is satisfactory for the purpose of stopping the mouths of the discontented to have a well-defined rule on the subject of small penalties. The Act, which applies to all penalties (except those imposed by any Act relating to Inland Revenue), including costs, recoverable in a summary way, came into operation on the 1st of August, 1865.

Section 4, which contains all the most important portion of the Act, exhibits a scale showing the maximum term of imprisonment which may be imposed in default of payment of small penalties up to five pounds; but this does not affect the punishment of hard labour in addition to imprisonment, if that punishment be imposed by any Act of Parliament.

Although short this is one of the most important Acts of the session; in that its immediate operation extends to a very large number of cases, and to a most extensive portion of the population. It contains provisions which have been long wanting, and which now take the place of all other similar provisions in whatever Act contained, thus making one rule for all magistrates in all cases where the penalty does not exceed five pounds.

It is rumoured, says the *Guardian*, that Lady Palmerston will be created almost immediately a peeress in her own right, with remainder to her sons by her first husband.

EQUITY.

LAW v. EQUITY.

(Continued from page 872.)

A digest of our law is, at the present day, earnestly longed for, so that we need not discuss the degree of its utility. A digest, in the modern sense, implies a consolidation of the whole law into a single mass, and, consequently, an abolition of the technical distinction between law and equity. An amalgamation of these systems, however, neither follows necessarily upon, nor requires a digest or consolidation of the law. All the powers and jurisdiction of the equity judges could be, by a single clause in a statute, transferred to the courts of common law, and be there administered either by means of a distinct procedure of their own, or by the introduction of totally new forms of procedure, which should endeavour to embrace both systems, without the necessity of any previous codification or arrangement.

The infusion of equitable principles into our common law system, attempted by the Common Law Procedure Act, 1854, is very incomplete, and has, besides, worked very unsatisfactorily. Be it remarked that the existing common law procedure is totally unfitted for the purposes of what may be distinguished as administrative equity, and that, in the matter of remedial or auxiliary equity, which, under the Act of 1854 might have been exercised in the shape of injunctions and discovery, the Courts at Westminster have refused to grant relief unless where the right sought to be enforced is disputed is established in a manner which would satisfy a Court of Equity at the *Hearing*. There is not, we think, a single case decided under the Common Law Procedure Acts where a party has succeeded in enforcing a right, unless the circumstances proved would, in equity, have been a sufficient foundation for a perpetual injunction. The judicial discretion of a court of equity has consequently been wholly left out of the Common Law Procedure Acts.

Even prior to the passing of these Acts, however, courts of law enjoyed a certain degree of equitable power, not, indeed, for enforcing rights, so much as for preventing the commission of wrongs. The common law jurisdiction in cases of fraud, for instance, appears to us to be entirely co-extensive and co-equal with the like power of the Court of Chancery, though from an early slavery to the trammels of pleading, the actual course of the courts was more restricted and technical. Some writers on equity jurisprudence, indeed, have asserted the contrary, and considered that the jurisdiction as well as the remedy to be had in courts of law in cases of fraud is less extensive than in the analogous domain of chancery. These writers have indeed apparently on their side the powerful authority of Vice-Chancellor Kindersley, who, in *Stewart v. The Great Western Railway Company*, 13 W. R. 886, expressed himself in favour of the view that the equitable jurisdiction is the more extensive. But case, though at first sight well adapted to raise this that question, did not really decide anything on this point. A tradesman and his wife were passengers by an excursion train, which, owing to alleged negligence by the company's servants, met with an accident, whereby the plaintiffs received serious injury, and were obliged to call in a Mr. Woodward, a surgeon, and medical officers of the company. The plaintiff, when asked by Mr. Woodward what compensation he would require from the company, demanded only £50. Mr. Woodward, who, it appears, was in the company's interest, recommended him to accept £15, and the medical officers of the company earnestly urged the plaintiff to do so, adding that he would be well immediately, while Mr. Woodward affirmed (contrary to the fact), that the plaintiff's wife's leg was not broken. The plaintiff said that he was in no hurry to settle with the defendants, but finally accepted £15, and gave a receipt for that sum as compensation in full for all damages. He subsequently, however, brought an

action against the company for £1,700, to which they pleaded "not guilty," and set up the receipt. The plaintiff then filed a bill alleging fraud, and seeking a declaration that the payment was not under the circumstances a full compensation. An injunction was also sought to restrain the defendants from setting up the receipt. The Vice-Chancellor overruled a general demurrer to the bill for want of equity, being of opinion that the fraud alleged by the bill was such that a court of law could not take cognizance thereof.

"It would be very difficult," his Honour observed, "to give a definition of what constitutes legal or equitable fraud, but I am of opinion that the facts which are alleged, if proved, are not such as to constitute that sort of fraud which a court of law would take cognizance of." That a definition of fraud in general is very hard to be given we admit, but there appears to be no greater difficulty in defining legal than there is in defining equitable fraud. The difficulty, such as it is, is common to both law and equity, and results from the fact that moral fraud must be proved to establish a case in either court. In *Cornfoot v. Foulke*, 6 M. & W. 358, for instance, the owner of a house, who knew of a defect in it, employed an agent for sale, who was ignorant of the defect. The purchaser sued as for a fraudulent *scienter* and concealment, but the Court held that as the moral fraud of the owner, and the legal fraud of the agent, did not concur in the same person, no case of fraud could be proved against either. The ruling in this case, although it underwent some vicissitudes, is, we believe, still law.

His Honour indeed seems to think that intentional moral fraud on the part of the defendants is not necessary to establish a case of fraud in equity. "It is perfectly clear," he continues, "that a body corporate or the directors can know nothing more about such a fraud as this than any stranger, and, therefore, it would be impossible to prove the fraud committed by the company. The fraud taken cognizance of by a court of equity is made up of all the circumstances of the case, the position of the parties, that they have been imposed upon, have been *inopes consilii*, and, being in a state of bodily, were, consequently, in a state of mental, weakness." All these circumstances, however, are undoubtedly such as would go to establish a case of fraud at law. The distinction is not one inherent in the jurisdiction, but in the nature of the proof required. Vice-Chancellor Wood laid down, in *Benham v. Keane*, that to take advantage knowingly of the fraud of another was to be a *particeps criminis*, at least to the extent of being prevented from taking any advantage of that fraud; and this is the true equitable principle, which the courts of law, not from defect of jurisdiction, determine it, but from their nature of this procedure, refuse to recognise.

The Vice-Chancellor was, under any circumstances, bound to overrule the demurrer, because the right of the plaintiff to choose his tribunal, where the jurisdiction is concurrent, has not been interfered with by the late Acts: *Evans v. Bremridge*, 2 K. & J. 174. We respectfully dissent, however, from his Honour's opinion, that the jurisdiction of a court of law would be inadequate to reach cases of fraud merely on account of their degree of complexity. The general impression, however, certainly is that a court of law can only take cognizance of a fraud if it be clear; just as it can grant relief on an "equity" under the Common Law Procedure Acts, only if it be indisputable. If we are right in this, it follows that it is unnecessary, and would be futile, by statute to confer upon courts of law an unlimited jurisdiction in cases of fraud, because, as we contend, they enjoy already such power, and are only prevented from exercising it by the fact that they have no procedure fitted for the purpose. To propose to alter their procedure is to re-establish courts of equity under common law judges, nothing more; and may be possibly productive of no greater harm than the loss of the advantage arising from division of labour.

The idea of allowing a plaintiff to originate a suit at

law upon grounds now cognizable only by a Court of Equity, aimed at by Lord Campbell's Law and Equity Bill of 1860, arose simply from a misconception of the object of conferring equitable jurisdiction on common law courts. On this point we beg to refer our readers to the remarks made upon that bill at the time.* A thorough fusion of law and equity is, doubtless, the necessary result of present tendencies and past legislation, but it is mere confusion to suppose that this implies a simple transfer of all litigation to the common law courts at present in existence.

The consequences of this simplification of the law, if carried out fairly, as we think it ought to be, will, in our opinion, be more beneficial than otherwise to the profession.

Let it be an understood thing that every plaintiff who commences his proceedings in the right court, be it Queen's Bench, Chancery, Probate, or what not, will be able, no matter what new matter may arise in the course of the proceedings, to have his claim finally adjudicated upon in and by that Court, and all that can rationally be desired in the way of fusion will have been accomplished. A hundred years ago the Courts might have done this of their own mere motion, at the expense, at most, of a legal fiction or two; now a statute is essential for the purpose, but if it would only be general enough and avoid that pernicious meddling and muddling in details so characteristic of modern English legislation, a very short Act might set at rest this somewhat vexed question.

COURTS.

SHERIFFS' COURT.

(Before Mr. Commissioner KERR.)

Oct. 20.—Since the new Equitable Jurisdiction (County Courts) Act has come into operation, there is considerable difficulty as to whether the jurisdiction of this Court has not been interfered with in a most serious manner. Under the old Act, tradesmen in the City had the privilege of suing persons having employment within its limits, and this was of considerable importance where clerks were sued, as in the event of any defence it was easier for them to attend this court than it would have been for them to have lost time in any of the suburban metropolitan county courts. It would appear that a grave question has arisen as to whether the new Act does not bring this court under the provisions of the County Court Act, and the law officers of the corporation are at present considering this point.

This morning his Honour informed a great many of the suitors that there was much doubt as to their right to sue a person who was only employed in the city. Formerly this right was very properly exercised in accordance with the provisions of the special Act of Parliament governing this court; but since the 1st October, the date of the operation of the new Act, the plaintiffs must be answerable for enforcing the orders of the Court in such cases. In all suits of this kind his Honour has informed the parties that they must be careful how they enforced the orders, as they might be liable in actions for damages, should this court have lost jurisdiction.

KIDDERMINSTER COUNTY COURT.

(Before R. KETTLE, Esq., Judge.)

The first case which has occurred since the County Courts Equity Act came into operation, was brought before Mr. R. Kettle at the last monthly sitting of the Kidderminster Court.

Mr. Miller Corbet appeared for the petitioner, John Martin Peter.

His Honour asked if the case was set down for hearing; because by the provisions of the statute, a matter set down for hearing carried to her Majesty's Treasury a certain fee, and it could not be dispensed with. He must, therefore, first see that the case was set down for hearing.

This preliminary having been complied with, Mr. Corbet said, in the matter of John Martin Peter, set down for hearing, he had the honour to appear, and he thought it was the first case that had arisen under the new Equity Act. Being

the first case which had occurred, he felt naturally diffident as to the mode of procedure, and in the first place he would ask his Honour for permission to make amendment to the petition. It was drawn in accordance with the form of one presented to a superior court, but he now discovered there must be a desire to sell before a person could apply to sell. It was a fact that the petitioner wished to sell, but could not complete the purchase. He would ask his Honour's permission to amend the petition in conformity with the law as laid down upon appeal in the case of *Re Hewitt*, 27 L. J. Ch. 302.

His Honour allowed the desired amendment to be made, and Mr. Corbet then stated that the petition was for an outstanding legal estate. He had filed an affidavit of the facts of the case, and he proposed to put in the deeds, and to ask his Honour to hear a witness upon facts necessary to support the petition, but not included in the affidavit.

His Honour said it would be necessary to give *voir dire* testimony upon certain points.

Richard Powell, of Love-lane, was then called as a witness. He put in title-deeds, a will, marriage, burial, and baptismal certificates, and also proved that there was a contract to sell part of the property in question, and an intention to sell the remainder.

The necessary parts of the documents were read by the registrar of the Court, and the affidavit was also read.

Mr. Corbet's case being completed,

His Honour delivered the following decision:—This case affords a good illustration of the essential difference between the forms of procedure in the superior courts of equity and in county courts acting under the jurisdiction given by the recent statute. It is purely an equity case, but it has been heard, and has been fully disposed of, according to the practice of the common law courts, as nearly as the nature of the remedy sought will admit. Although the case is itself simple, and one in which, in the course of ordinary duty, I should decide without giving any formal judgment, still, as the procedure in equity is new to the officers of my court, and to the profession, I think it right to give some explanatory reasons for approving of the course taken at the hearing, and for the form in which the matter will be finally disposed of to-day. It is an application upon the petition of one John Martin Peter, made under the ninth clause of the first section of the Act, upon a matter to which the "Trustee Act, 1850," relates.

The petitioner has become the owner, in the manner set out in the petition of the beneficial interest of the mortgage, under a mortgage of some small plots of Land, dated the 20th April, 1824. The mortgage is in fee, and although the petitioner has the substance of the security, the legal estate is in the heir-at-law of one Mary Ellis, the mortgagee of 1824. The petitioner desires to deal with his property in the most advantageous manner, and therefore he asks the court to clothe his beneficial ownership with the legal right—a technical matter relating to a branch of jurisprudence of great utility in ancient times, and still involving one of the fundamental principles upon which the law of real property is based; but exactly one of those cases in which technical difficulties should be removed by the most expeditious and least expensive process. By the Trustee Act, 1850, proceedings in such cases were much simplified, and now by giving jurisdiction under that Act to local courts the petitioner is enabled to come to a court in his own district, and obtain at once, and at comparatively small costs, the remedy he requires. I have amended the petition in matter of substance at the hearing, taken evidence *voir dire*, and I am now about finally to dispose of the case without any reference for inquiry or further proceedings. I will now therefore state shortly the authority under which I adopt these summary forms of common law practice. The County Court Equity Act is correctly described by its title. It does not alter the constitution of the county courts; but it engrafts upon them a new jurisdiction, it is strictly an Act to confer on county courts a limited jurisdiction in equity. This distinction is important in considering the system of procedure.

The county court is, and is so described in the preamble to the first Act (9 & 10 Vict. c. 95) a court of ancient jurisdiction, having cognizance of all plaintiffs in personal actions; and by the fourth section of that Act its jurisdiction is preserved. The 9th & 10th Vict. c. 95, and succeeding

Acts remodel the procedure of the ancient common law court and then the Equity Jurisdiction Act provides, by section 21, that "This Act, and the Act passed in the Session of Parliament holden in the ninth and tenth years of the reign of her Majesty, chapter twenty-five, and any Act amending or altering the same, shall be read and construed as one Act, as if the several provisions contained in the said Acts referred to not inconsistent with the provisions of this (the Equity) Act were repeated and re-enacted in this Act." Provision is made, by section 16, for framing rules and orders for regulating the practice of the County Court under that Act. During the reign of her present Majesty several Acts have been passed to give relief to suitors in equity, and to provide more convenient and less expensive means of obtaining in certain cases and for certain purposes the interposition of a court of equity; and in some of these Acts there are sections which give practice rules the authority of statute law. One of these is "The Trustee Act, 1850," under which this application is made. The effect of these statutes, taken together, is that the procedure of the County Court, in matters of equity, must be under the re-enacted County Court Acts, but must not be inconsistent with the full and complete exercise of the jurisdiction given by the 28th and 29th Vict. c. 99, one part of which is on matters under the Trustee Act.

Upon this theory the order and rules are framed, and in this case I have to put the jurisdiction in operation for granting an order under section 19 of "The Trustee Act, 1850," which provides that "When any person to whom any lands have been conveyed, by way of mortgage, shall have died without entering into possession, or into receipt of the rents thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such person shall consent to an order for the reconveyance of such lands, then it shall be lawful for the Court of Chancery to make an order vesting such lands in such person or persons, in such manner and for such estate as the said Court shall direct, that is to say, when an heir or devisee of such mortgage shall be out of the jurisdiction of the Court of Chancery, or cannot be found." It gives other instances of the application of the provisions of the section, and amongst them that "when such mortgagee shall have died intestate as to such lands, and without an heir, or shall have died, and it shall not be known who is his heir or devisee;" and concludes, "and the order of the said Court of Chancery made in any of the foregoing cases shall have the same effect as if the heir or devisee, or the surviving devisee, as the case may be, have duly executed a conveyance or assignment of the lands in the same manner and for the same estate." A construction has been put upon this section by the Lords Justices, in *re Boden's Mortgage Trust*, which relieves me of the difficulty the word "re-conveyance" in this section would otherwise have created. The proceedings have been taken by petition filed under Order XI. of the new orders and rules. The petition was found to be defective. Under the authority of the County Courts Act and Order XIII. thereon, I amended it at this hearing. I have taken the evidence necessary to support the application for a petition, partly by affidavit, under rule 8 of Order XI., and have taken the other part of the evidence *voir dire*, under rule 10 of the same Order, which makes order IV. applicable to these proceedings, as well as to suits. I find upon this evidence, as a fact, that the allegation in the petitions are true, and under rule I of Order IV., made applicable as before stated to a hearing upon petition. I now determine the matter finally, by directing the registrar to prepare for my signature an order vesting the legal estate in fee in the lands mentioned in the mortgage of the 20th April, 1824, in the petition, and as by section 44 of the "Trustee Act, 1850," it is enacted that the order shall be evidence of the facts, I shall direct that the order be drawn up, finding as facts all the material matters necessary to support the order, and which have been proved before me to-day. And as by section 13 of the Trustee Extension Act, 1852, this order will require a stamp as in conveyance, I shall order a stamp which will cover the purchase-money to the amount of £300, the principal of the mortgage-money, the legal estate in which is vested by the order, to be used. This order will then be filed of record, and will operate upon the title as fully and effectually for all purposes as though there had been an actual conveyance from the unknown heir of Mary Ellis, the mortgagee.

GENERAL CORRESPONDENCE.

"AUTHORIZED REPORTS."

SIR,—It having been stated that *all* the existing authorized reporters have joined the new scheme of law reporting, I beg to say that it is not the fact, and that "Hurlstone & Cottman's Reports" in the Court of Exchequer will be published as heretofore.

I can also confidently state that "Best & Smith's Reports" in the Court of Queen's Bench will also be published as heretofore.

For my part, I have no confidence in the management of the council, or the success of the scheme; for one of the earliest steps has been to depart from the scheme, as recommended by the committee, in one of its most important particulars, namely, that contained in rule 21, and which the committee have declared "*essential for carrying out the scheme.*"

As the matter must be the subject of investigation, I make no comment upon it.

E. T. HURLSTONE.

Oct. 26.

NUISANCES.

With reference to the letter of your correspondent "Bucolicus," I may say that the law of nuisances is founded upon the maxim—"sic utere tuo at alienum non lidas." Any material infringement whatever of this maxim, therefore, must amount to a nuisance. This view is also in accordance with the statutory law on the point. The 18 & 19 Vict. c. 128, s. 8, enumerates, amongst nuisances, "any animal so kept as to be a nuisance or injurious to health." The burden of proof, of course, rests with the complainant. If he then can prove that one or more pig-sties are kept so near his residence that the air is offensive, there is no doubt a case of nuisances which may be abated by indictment. The keeping of hogs in a city or market is a public nuisance according to Blackst. 4 Com. 167; and, *pari ratione*, hogs kept elsewhere, if they cause the air to be offensive, are a private nuisance.

Moreover, the 11 & 12 Vict. c. 83, s. 69, expressly enacts that "whosoever keeps any swine or pig-sty in a dwelling-house, or so as to be a nuisance to any person, for every such offence is liable to a penalty not exceeding forty shillings, and to a further penalty of five shillings for every day during which the offence is continued. I have I think sufficiently stated the law on this point.

M.

IRELAND.

COURT OF CHANCERY.

Oct 11.—The Lord Chancellor sat in chamber and heard the following motion:—

The Screw Steamer Isabella of Glasgow.—This was a motion to the Lord Chancellor to grant a commission of delegates in order that an appeal might be prosecuted from a judgment of the Court of Admiralty.

Dr. Battersby, Q.C., and Dr. Concanon, with Mr. Richardson, as proctor, appeared for the appellants. Dr. Todd, instructed by Mr. Hamilton, Queen's Proctor, acted for the respondent.

It appeared that the judge of the Court of Admiralty, having refused to allow the usual process of appeal to issue, the ancient form of protesting of appeal before a notary public had been resorted to by the appellant's proctor, and that, the motion being by right an *ex parte* one, the subject had been for some time under the attention of the Lord Chancellor.

The Lord Chancellor, on taking his seat, observed that he should not have required the attendance of counsel on the motion, but that it being the first of the kind which had come before him, he had thought it better to hear counsel upon both sides of the case.

Dr. Battersby said he was aware that the proceeding was an extremely novel one, but, nevertheless, the law was quite clear upon the subject that a party under the practice of the Court of Admiralty had a right to appeal either before the judge or a notary public, and quoted "Clarke's Admiralty and Ecclesiastical Practice," and also "Watts upon the Practice of the English and Irish Courts of Admiralty;" and urged the constitutional right of a suitor to appeal—the right of appeal in the case in question being clearly conferred by the statute.

Dr. Todd, on the other side, characterized the case as an insignificant one; that the vessel had been released by the Court of Admiralty; and that it was the proctor who sought the appeal, and not the client.

The Lord Chancellor here said that he would not allow the motion to proceed further until he was satisfied that it was the wish of the suitors themselves to appeal.

Dr. Battersby said he had conferred with Mr. Richardson, and that the suitors in question had not only written Mr. Richardson a letter of instructions to appeal, but that they had executed the usual and formal proxy, authorizing the appeal, which proxy was filed in the Court of Admiralty, and he (the learned counsel) proceeded to point out that, the protector being *dominus litis*, it was his duty to appeal in the first instance, and that it was extremely irregular that he should ask for a proxy in the court below at such a stage of the suit. He had, as proctor, conducted the suit, and it was for the respondent to ask for the production of a proxy, if he thought proper, in the court above.

After some observations from Dr. Concanon,

The Lord Chancellor said that upon this motion he had nothing to do with the merits of the case, or as to whether the ship was in the custody of the Court or discharged. A suitor sought to exercise his constitutional right of appeal, and he (the Lord Chancellor) should grant the commission of delegates in the case.

THE SPECIAL COMMISSION.

The 27th of November has been fixed on for the trial of all the Fenian prisoners. Mr. Justice Fitzgerald and Mr. Justice Keogh will preside. The Crown will be represented by the Attorney-General, Q.C., M.P., the Solicitor-General, Q.C., M.P., C. Barry, Q.C., M.P., Law Adviser, and Mr. A. Brewster, Q.C. Mr. J. Butt, Q.C., is retained for the defence, and it is stated that Mr. Whiteside, Q.C., M.P., has declined to hold a brief for the prisoners on the ground that he had prosecuted, as Attorney-General in 1859, Phoenix prisoners, some of whom will re-appear, charged with the same offences.

LAW STUDENTS' JOURNAL.

EXAMINATIONS OF ARTICLED CLERKS.

INTERMEDIATE EXAMINATION.

The examiners have appointed Thursday, the 16th November next, for the intermediate examination of persons under articles of clerkship to attorneys. Candidates for examination are to attend on that day at half-past nine in the forenoon, at the hall of the Incorporated Law Society, Chancery-lane. The examination will commence at ten o'clock precisely, and close at four o'clock.

FINAL EXAMINATION.

The examiners have appointed Tuesday, the 14th, and Wednesday, the 15th November next, for the examination of persons applying to be admitted attorneys. The examination will commence at ten o'clock in the forenoon of each day, in the hall of the Incorporated Law Society, Chancery-lane, and close at four o'clock; candidates to attend at half-past nine o'clock.

Articles of clerkship and assignment, &c., according to the regulations approved by the judges, must be left with the secretary on or before Wednesday the 1st November. In the case of articles executed after the 1st January, 1861, the certificate of having passed the intermediate examination should be left at the same time; and articles and testimonials of service already deposited should be re-entered, the fee paid, and the answers completed on or before the 1st November.

Candidates who apply to be examined under the 4th section of the Attorneys' Act, 1860, may, on application, obtain copies of the further questions relating to the ten years' service antecedent to the articles of clerkship; and such questions, duly answered, must be left with the articles, &c., on or before the 1st November.

Where the articles have not expired, but will expire during the term, or in the vacation following such term, the candidate may be examined conditionally; but the articles must be left on or before the 1st November, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them, as to the time served with each respectively. No candidate will be examined who

shall not have complied with these conditions, or whose testimonials as to service or conduct shall not be satisfactory to the examiners.

On the first day of examination, papers will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary; 2. Common and statute law, and practice of the courts; 3. Conveyancing.

On the second day, further papers will be delivered to each candidate, containing questions to be answered in—4. Preliminary; 5. Equity, and practice of the courts; 6. Bankruptcy, and practice of the courts; 7. Criminal law, and proceedings before justices of the peace.

Each candidate is required to answer all the preliminary questions (Nos. 1 and 4); and also to answer in three of the other heads of inquiry—viz., common law, conveyancing, and equity. The examiners will continue the practice of proposing questions in bankruptcy and in criminal law and proceedings before justices of the peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

Mr. R. HORTON SMITH, on Conveyancing, Friday, November 3.

LAW CLASSES AT THE INCORPORATED LAW SOCIETY.

These classes will commence on Wednesday next, and will be continued during the months of November, December, January, February, and March.

COURT PAPERS.

CHANCERY SITTINGS.

MICHAELMAS TERM, 1865.

LORD CHANCELLOR.
Westminster.
Thurs. Nov. 2. App. mtns. & apps.
Lincoln's Inn.
Friday 3. Petns. & appeals
Saturday ... 4. Apps. in bkcy. & appeals.
Monday 6. Appeals.
Tuesday 7. Appeals.
Wedn. 8. Apps. in bkcy. & appeals.
Thursday ... 9. App. mtns. & apps.
Friday 10. Appeals.
Saturday ... 11. Apps. in bkcy. & appeals.
Monday 13. Appeals.
Tuesday 14. Appeals.
Wednesday 15. Apps. in bkcy. & appeals.
Thursday ... 16. App. mtns. & apps.
Friday 17. Appeals.
Saturday ... 18. Apps. in bkcy. & appeals.
Monday 20. Appeals.
Tuesday 21. Appeals.
Wednesday 22. Apps. in bkcy. & appeals.
Thursday ... 23. Appeals.
Friday 24. Petitions and apps.
Saturday ... 25. App. mtns. & apps.

MASTER OF THE ROLLS.

Westminster.
Thurs. Nov. 2. Motions.
Chancery-lane.
Friday 3. General paper.
Saturday ... 4. Petns. sht. caus. & adj. sums, and general paper.
Monday 6. General paper.
Tuesday 7. General paper.
Wednesday 8. Mtns. & gen. pa.
Thursday ... 9. Mtns. & gen. pa.
Friday 10. Petns. sht. caus. & adj. sums, and general paper.
Saturday ... 11. adj. sums, and general paper.
Monday 12. General paper.
Tuesday 14. General paper.
Wednesday 15. Mtns. & gen. pa.
Thursday ... 16. General paper.
Friday 17. Petns. sht. caus. & adj. sums, and general paper.
Saturday ... 18. adj. sums, and general paper.

Monday 20. General paper.
Tuesday 21. General paper.
Wednesday 22. General paper.
Thursday ... 23. General paper.
Friday 24. Petns. sht. caus. & adj. sums, and general paper.
Saturday ... 25. N.B.—Unopposed petitions must be presented and copies left with the Secretary on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

LORDS JUSTICES.

Westminster.
Thurs. Nov. 2. Appeal motions.
Lincoln's Inn.
Friday 3. App. mtns., petns. in lunacy, app. petns., and apps.
Saturday ... 4. Appeals.
Monday 6. Appeals.
Tuesday 7. Appeals.
Wednesday 8. App. mtns. & apps.
Thursday ... 9. App. mtns. & apps.
Friday 10. Petns. in lunacy, app. petns., and apps.
Saturday ... 11. Appeals.
Monday 13. Apps from the Co. Palatin. of Lancstr. & apps.
Tuesday 14. Appeals.
Wednesday 15. Appeals.
Thursday ... 16. App. mtns. & apps.
Friday 17. Petns. in lunacy, app. petns., and apps.
Saturday ... 18. Appeals.
Monday 20. Appeals.
Tuesday 21. Appeals.
Wednesday 22. Appeals.
Thursday ... 23. Petns. in lunacy, app. petns., and apps.
Friday 24. App. mtns. & apps.
Saturday ... 25. App. mtns. & apps.
Notice.—The days (if any) on

which the Lords Justices shall be engaged in the Full Court, or at the Judicial Committee of the Privy Council, are excepted

V. C. Sir R. T. KINDERSLEY.

Westminster.
Thurs. Nov. 2. Motions.
Lincoln's Inn.
Friday 3. Petns. adj. sums, & general paper.
Saturday ... 4. Sht. causes, adj. sums, & gen. pa.
Monday 6. General paper.
Tuesday 7. General paper.
Wednesday .. 8. Mtns. adj. sums, & gen. pa.
Thursday ... 9. Petns. adj. sums, & general paper.
Friday 10. Sht. causes, adj. sums, & gen. pa.
Saturday ... 11. General paper.
Monday 13. General paper.
Tuesday 14. General paper.
Wednesday .. 15. Mtns. adj. sums, & gen. pa.
Thursday ... 16. Petns. adj. sums, & general paper.
Friday 17. Sht. causes, adj. sums, & gen. pa.
Saturday ... 18. General paper.
Monday 20. General paper.
Tuesday 21. General paper.
Wednesday .. 22. Petns. sht. caus. & adj. sums, and general paper.
Thursday ... 23. Mtns. & gen. pa.
Friday 24. General paper.
Saturday ... 25. N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

V. C. Sir JOHN STUART.

Westminster.
Thurs. Nov. 2. Motions.
Lincoln's Inn.
Friday 3. Petns. & causes.
Saturday ... 4. Sht. causes & causes.
Monday 6. Causes.
Tuesday 7. Causes.
Wednesday .. 8. Mtns. and causes.
Thursday ... 9. Petns. & causes.
Friday 10. Sht. causes & causes.
Saturday ... 11. Sht. causes & causes.

Monday 13. Causes.
Tuesday 14. Causes.
Wednesday 15. Mtns. & causes.
Thursday ... 16. Petns. & causes.
Friday 17. Sht. causes & causes.
Saturday ... 18. Causes.
Monday 20. Causes.
Tuesday 21. Causes.
Wednesday .. 22. Petns. & causes.
Thursday ... 23. Mtns. sht. caus. & causes.
Friday 24. N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.
No cause, motion for decree, or further consideration, except by order of the Court, may be marked to stand over, if it shall be within 12 of the last cause or matter in the printed paper of the day for hearing.

V. C. Sir W. P. WOOD.

Westminster.
Thurs. Nov. 2. Motions.
Lincoln's Inn.
Friday 3. General paper.
Saturday ... 4. Petns. sht. caus. & general paper.
Monday 6. General paper.
Tuesday 7. General paper.
Wednesday .. 8. Mtns. & gen. pa.
Thursday ... 9. General paper.
Friday 10. General paper.
Saturday ... 11. adj. sums, and general paper.
Monday 13. General paper.
Tuesday 14. General paper.
Wednesday .. 15. Mtns. & gen. pa.
Thursday ... 16. General paper.
Friday 17. adj. sums, and general paper.
Saturday ... 18. adj. sums, and general paper.
Monday 20. General paper.
Tuesday 21. General paper.
Wednesday .. 22. Petns. sht. caus. & general paper.
Thursday ... 23. Mtns. & gen. pa.
Friday 24. General paper.
Saturday ... 25. adj. sums, and general paper.

COURT OF PROBATE

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

Sittings in and after Michaelmas Term, 1865.

COURT OF PROBATE.

Friday Nov. 3 | Wednesday Nov. 8
Saturday " 4 | Thursday " 9

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

Friday Nov. 10 | Friday Nov. 17
Saturday " 11 | Saturday " 18
Wednesday " 15 | Wednesday " 22
Thursday " 16 | Thursday " 23

Trials by jury.

Ever Wednesday, Thursday, Friday, and Saturday, from Friday, November 24, to Saturday, December 16, both inclusive.

The trials in the Court of Probate will be taken first.

The judge will sit in chambers to hear summonses at 11 o'clock, and in court to hear motions at 12 o'clock, on Tuesday, November 7, and on each succeeding Tuesday until December 12 inclusive.

All papers for motions must be left with the clerk of the papers before 2 o'clock on the preceding Thursday.

PUBLIC COMPANIES.

THE CREDIT FONCIER AND MOBILIER OF ENGLAND (LIMITED).

The half-yearly general meeting of the shareholders of this company was held on Tuesday last at the London Tavern, Bishopsgate-street; the Right Hon. James Stuart Wortley, governor, in the chair.

The report, which was taken as read, stated that it would be seen by the balance-sheet that the net profit available to 30th of September last is £189,895 4s. 9d. The directors

recommended that out of such profits the sum of £30,000 be carried to the dividend reserve fund, which would increase that fund to £100,000. The above-mentioned appropriation left £150,805 4s. 9d., out of which the directors recommended a dividend of ten shillings per share (equal to 20 per cent. per annum), and in addition thereto, ten shillings per share as a bonus (equal to 20 per cent. per annum), both free of income tax, being together one pound per share, or at the rate of 40 per cent. per annum, the same as distributed last half-year. The payment of this dividend and bonus would absorb £100,000, and the directors call the attention of the shareholders to the fact, that after providing for this large dividend and bonus, and increasing the dividend reserve fund to £100,000, the general reserve fund being £200,000, they would be enabled to carry forward the large sum of £50,805 4s. 9d. to the credit of next half-year's profit account. The dividend and bonus would, as usual, be sent out immediately after the meeting.

The Chairman, in moving the adoption of the report, said it was the second meeting of that great society: and he said great society advisedly, for although some critics and detractors sought to spread abroad reports injurious to it, there was no denying the fact that, after twelve months of its existence, it had secured an importance in the eyes of the commercial public which could not be mistaken. Without detaining them by any general observations, he must say it was the wish of the directors that every information should be given to the shareholders with respect to the business transacted and the mode of doing so. This company, it must be recollected, was no ordinary one; there were public interests involved which required that confidence should be maintained, and prevented disclosures being given to the public at large; but, except in cases of that description, the directors were anxious to give every information in their power to those who had an interest in it. They must, however, remember that it was utterly impossible the directors would disclose the private transactions of their friends and clients to a public meeting like the present, and in the presence of the public press. Such a course was never adopted by the great houses of Rothschilds and Baring Brothers, and he was quite certain the shareholders would not expect the directors of the Credit Foncier and Mobilier of England to adopt so unusual and unwise a proceeding. Any questions, however, which may be put, the answers to which, if given, would not be injurious to the company, he should be happy to answer. On the part of the directors he claimed the confidence and support of the shareholders. They were responsible for the management of the company, and if the shareholders felt dissatisfied they had it in their power to relieve them of their responsibility whenever they thought fit. They had the report before them, and if the present condition of their affairs excited any feeling of alarm amongst them, they had a very easy method of getting rid of those who now managed their affairs.

Mr. Levick (deputy-governor) seconded the motion.

Mr. Merrilless complained that in the profit and loss account the shareholders had no information of what the cost of management amounted to. He had no desire to find fault with the directors, nor did he at all approve of capricious objections, but he thought a statement such as he suggested might be made with great advantage.

Mr. Bernard wished to be informed whether the directors intended to appropriate the new shares *pro rata*, or keep the power to themselves of distributing them to parties of influence, whose names they should like to see on the register.

The Rev. Dr. G. Brown complained that the issue of the new shares would be more profitable to the public than to the present shareholders. According to the proposed arrangement, the public having the advantage of a reserve of £350,000, would be enabled to get the new shares at a premium of £1 15s. each, while the present holders paid £2 10s. for theirs. He also suggested that the £50,000 proposed to be transferred to the account of profit and loss, be divided among the shareholders.

Mr. Taylor wished to know how their reserve fund was invested, and what were the costs of management. He had been assured that these securities were worth £1,200,000, and although he had the greatest confidence in the directors he did not believe they had found the philosophers stone, or would continue to pay 40 per cent. dividend. He was a friend of the representative principle; but he must say that present circumstances made him anxious for the honour of the company.

Mr. Carpenter said he addressed a letter to the chairman,

asking for information upon certain points which he would then repeat. In the first place, he wished to know in what securities the reserve fund was invested, and whether they were permanent. He also wished to be informed to what extent was the credit of the company pledged. In conclusion, he moved, as an amendment to the report, "That the directors be requested to invest their reserve fund in the Three per cent. Consols, or some similar security, and that no part of it shall be used in the current business of the company without a special vote of the shareholders at a general or extraordinary meeting."

The amendment was then put, and negative by an overwhelming majority; after which the report was adopted.

A vote of thanks to the manager (Mr. Albert Grant, M.P.) for his zeal and activity in promoting the interests of the company was then passed.

Thanks were then voted to the right hon. chairman and board of directors, and a vote having been accorded to the secretary and other officers of the institution, the proceedings terminated.

The great success which has attended the operations of the Credit Foncier and Mobilier of England has induced the directors to issue 100,000 new shares of £20 each, of which it is proposed to call up £5 per share by instalments; no further call being contemplated. Of the new issue 50,000 shares will be offered to present shareholders, and 50,000 to the general public, at a premium of £2 10s. and £3 10s. per share respectively. When the dividend of 40 per cent. for the half-year ending 30th September last, declared yesterday, is paid, and the contemplated issue completed, the total paid up capital and various reserve and other funds, will amount to £1,650,000, or equal to about £8 5s. per share. The new shares will have a participation in the next distribution of profits *pro rata* with the existing shares, according to the amount paid on them. The list of applications for shares will be closed on the 2nd November for London, and on the 3rd November for the country.

ESTATE EXCHANGE REPORT.

AT THE GUILDHALL HOTEL.

Oct. 19.—By Mr. MAHER.

Freehold plot of land, with farmhouse, three cottages, stables, yard, and outbuildings, situate at South Darent, Kent.—Sold for £1,100.

Oct. 21.—By Messrs. DEBENHAM, TEWSON, & FARMER.

Freehold farm, known as Chenside, in the parish of St. Michael, comprising 106a 3r 13p.—Sold for £7,000.

Freehold residence, with grounds, of about 2 acres, known as Clarewood, situate at Bickley-park.—Sold for £1,650.

Freehold premises, being No. 99, Upper Thames-street; estimated annual value £250.—Sold for £3,000.

Leasehold residence, situate in Oakhill-park, Froggnal, Hampstead; term, 15 years unexpired, at £90 per annum.—Sold for £500.

AT GARRAWAY'S.

Oct. 18.—By Messrs. ST. QUENTIN & NOTLEY.

Copyhold ground-rents, amounting to £41 per annum, secured upon houses in Clapham-road.—Sold for £1,120.

Copyhold, 3 houses with shops, being Nos. 3, Dudley place, and 3 and 4, Augusta-place, Clapham-road, producing £112 per annum.—Sold for £2,015.

Leasehold, 2 residences, being Nos. 5 and 6, St. Kewell-crescent, Clapham-road, producing £120 per annum; term, 70 years unexpired; ground-rent, £20 per annum.—Sold for £1,545.

Oct. 19.—By Messrs. PRICKETT & SON.

Freehold plot of building land, fronting Mount View-road, Hornsey.—Sold for £471.

Leasehold house, together with a builder's yard in the rear, being No. 20a, Queen's-road, Baywater; also a house in the rear, known as Chester Cottage; term, 32 years unexpired, at £30 per annum.—Sold for £1,760.

Copyhold residence with stabling and grounds, situate at Highgate.—Sold for £1,850.

Oct. 20.—By Messrs. RUSK WORTH, JARVIS, & ANNOTT.

Leasehold residence, situate in Prospect-place, Edgware-road, let at £55 per annum; term 65 years from 1811, at £5 15s. per annum.—Sold for £280.

Leasehold house and shop, being No. 68, Cromer-street, Judd-street, Brunswick-square; term, 25 years unexpired at £14 14s. per annum.—Sold for £100.

By Messrs. BLAKE.

Freehold residence, known as Oakfield Lodge, Croydon, with stabling and grounds, containing 2a. 0r. 17p.—Sold for £5,000.

Freehold residence, known as North End House, Croydon, with stabling.—Sold for £3,550.

Oct. 25.—By Messrs. EDWIN FOX & BOUTFIELD.

Leasehold business premises, being No. 4, Leadenhall-st.; term 21 years from 1853, at £220 per annum; estimated annual value, £1,050.—Sold for £1,000.

Freehold, 28 acres of building land, situate at Elstead, near Godalming, Surrey.—Sold for £310.

Leasehold residence, being No. 8, Tredegar-place, Bow road, let at

£40 per annum; term, 7½ years from 1824, at £5 per annum—Sold for £400.

Freehold, 4 houses, being Nos. 3A, 4, 9, and 10, Oxford-street, Stepney, let at £22 per annum each—Sold for £1,050.

Leasehold, 3 houses, Nos. 6, 10, and 16, Hayes-place, Lisson-grove, producing £89 per annum; term, 51 years from 1821, at £20 per annum—Sold for £165.

Leasehold house, being No. 28, Samford-street, Lisson-grove, let at £23 3s. per annum; term, 56 years unexpired, at £4 per annum—Sold for £155.

Leasehold Coach-houses and stabling, being Nos. 4, and 5, Grove-mews, Lisson-grove, let at £25 per annum; term, 82½ years from 1809—Sold for £195.

By Mr. WILLIAMS.

Leasehold premises, being Nos. 29, Finsbury-place, and 9, and 10, Cross-street, Finsbury-square; estimated annual value, £500; term, 23½ years unexpired at £125 per annum—Sold for £2,050.

AT THE LONDON TAVERN.

Oct. 13.—By Messrs. FULLER & HORNER.

Leasehold premises, situate Nos. 61, 62, 63, and 64, Houndsditch, and 2 warehouses adjoining the Flying Horse yard; terms, 14 and 49 years unexpired, at rents amounting to £56 3s. 5d. per annum—Sold for £8,500.

Freehold residence, being No. 7, Balham-place, Balham, Surrey, with stabling, pleasure and kitchen garden—Sold for £1,450.

Freehold iron foundry and dwelling-house, situate in Oak-lane, Limehouse, of the estimated annual value of £100—Sold for £1,260.

Freehold building land, situate at West Croydon, containing 2r 10p—Sold for £910.

Leasehold premises, known as the Phoenix Works, Battersea; term, 57 years unexpired; ground-rent, £20 per annum—Sold for £800.

By Mr. FRANK LEWIS.

Lease and goodwill of the lodging-house, being No. 1, Cecil-street, Strand; term, 21 years from 1835, at a rent of £65 per annum—Sold for £210.

Underlease of the business premises, being No. 332, Euston-road; term, 12½ years unexpired, at a rent of £85 per annum—Sold for £85.

Oct. 18.—By Mr. WM. THORNTON.

Freehold building land, situate at Bletchingley, Surrey, containing about 13 acres—Sold for £1,350.

By Messrs. NORTON & TRIST.

Freehold estate, known as Hitcham-park, situate in the parish of Hitcham, Backs, containing about 200 acres—Sold for £27,500.

Freehold plot of arable land, containing 3a 3r 35p, situate as above—Sold for £580.

Leasehold, 3 residences, being Nos. 15, 16, and 49, Jevon-street, Aldersgate-street, and manufacturing premises in the rear; estimated annual value, £282 per annum; term 20 years unexpired, at £33 per annum—Sold for £3,200.

Freehold house and shop in Ringer's-buildings, Commercial-street, Spitalfields; let at £80 per annum—Sold for £1,150.

Oct. 19.—By Messrs. HANDS & VAGHAN.

Freehold and leasehold ground-rents, amounting to £149 per annum, secured upon 79 houses, situate at Uxbridge, Islington, Poplar, and Greenwich—Sold for £2,165.

Freehold public-house, known as the Duke of Granby, New-street, Deptford—Sold for £3,550.

Freehold, eight residences, being Nos. 14 to 21, Union-street, High-street, Deptford, producing £173 per annum—Sold for £3,395.

Freehold, four houses, with shops, being Nos. 1 to 7, Deptford-bridge, Greenwich, producing £133 per annum—Sold for £2,520.

Freehold, six residences, being Nos. 1, 2, 3, 5, 6, and 7, Union-place, Blackheath-road, Greenwich—Sold for £2,880.

Freehold, thirteen residences, being Nos. 1 to 13, Albion-terrace, Lewisham-road, Greenwich—Sold for £2,669.

Freehold business premises, being Nos. 18 and 19, Stockwell-street, Greenwich, let at £126 per annum—Sold for £2,500.

Freehold business premises, being No. 21, London-street, Greenwich, let at £68 per annum—Sold for £1,025.

Freehold ground-rents, amounting to £347 19s. 6d. per annum, secured upon residences in Morden-terrace, Morden-grove, and Albion-street, Greenwich, and High-street, Eltham, Kent—Sold for £8,145.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

BERRIDGE—On the 24th inst., at Leicester, the wife of R. B. Berridge, Esq., Solicitor, of a son.

MARRIAGES.

COCKAYNE—HARRISON—On the 24th inst., at Edgbaston Old Church, Ben Hawtridge Cockayne, Esq., of Nottingham, Solicitor, to Anne Susan, second daughter of James Harrison, Esq., of Clarence-villa, Balsall-heath, Birmingham.

HAIR—LAING—On the 20th inst., John Hair, Esq., of the Accountant-General's Office, Court of Chancery, to Agnes, only daughter of the late Mr. John Laing, Merchant, Edinburgh.

DEATH.

GOODMAN—On the 24th inst., at 245, Camden-road, N., Richard Alfred Goodman, Esq., Solicitor, 3, King's Bench-walk, Temple, aged 61.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

TUESDAY, Oct. 24, 1865.

LIMITED IN CHANCERY.

Axton Mining Company (Limited).—Petition for winding-up, presented Oct. 20, directed to be heard before Vice-Chancellor Wood on Nov. 4. Beale & Co, Park-st, Westminster, solicitors for the petitioners.

Patented Domestic Inventions Trading Company (Limited).—Petition for winding-up, presented October 19, directed to be heard before

the Master of the Rolls on the next day of petitions. Oldman, Gray's inn-square, solicitor for the petitioner.

Tyne Iron Ship Building Company (Limited).—Petition for winding-up, presented Oct. 20, will be heard before Vice-Chancellor Wood on the first petition day in Michaelmas Term, or as soon after as counsel can be heard. Langford & Marsden, Friday-st, Cheapside, solicitors for the petitioners.

Creditors under 22 & 23 Vict. cap. 35.

FRIDAY, Oct. 20, 1865.

Barritt, Susanna, Dalston-lane, Middx, Spinster. Dec 20. Fisher, Threadneedle-st.

Bates, Edw., Ansty, Leicester. Baker. Dec 1. Ingram, Leicester.

Bergen, Michael Geo, Old Ford-rd, Bow, Manager of Felt Works. Dec 21. Phillips, Sise-lane.

Colley, Eliz, Chatham, Kent, Widow. Nov 14. Ackworth & Son, Rochester.

Courtman, Robt, Emneth, Norfolk, Farmer. Dec 1. Metcalfe & Son, Wisbech.

Cranch, Richd, Church-st, Westminster, Gent. Nov 12. Mackeson & Goldring, Lincoln's-inn-fields.

Day, Robt, Brough, York, Gent. Dec 20. Lightfoot & Co, Hull.

Dickinson, Joseph, Lpool, M.D. Nov 11. Brockbank & Helder, Whitehaven.

Ford, John, Knightcote, Banwell, Somerset, Gent. Nov 18. Woolfres, Banwell.

Fort, Mary, Maidenhead, Berks, Widow. Dec 25. Upton & Co, Austin-friars.

Forshall, Rev Josiah, Woburn-pl, Middx, Clerk. Nov 27. Smith, Throgmorton-st.

Hadlow, Rev Wm Thos, Hasleley, Warwick. Dec 20. Annesley, Lincoln's-inn-fields.

Incl, Chas Laurence, Barnstaple, Devon, Esq. Nov 30. Flower, Bedford-square.

Lambert, John, Tid St Giles, Cambridge, Farmer. Dec 1. Metcalfe, Wisbech.

Morton, Rev Jas, Holbeach, Lincoln, Clerk. Dec 25. Morton, Kidderminster.

Morris, Joseph, Ludgate-st, Engraver. Dec 1. Fraser & May, Dean-st, Soho.

Parnell, Chas Octavius, Sussex-pl, Regent's-park, Architect. Dec 5. Morrison, Regate.

Rafie, Chas, Fitzminster, Somerset, Gent. Dec 1. Shepherd, Blagdon.

Rudge, Saml Nonnille, Harley-st, Middx, Esq. Dec 25. Upton & Co, Austin-friars.

Scott, Alex Buny, Cleveland-gardens, Hyde-park, Esq. Jan 1. Horn & Murray, Trafalgar-sq.

Thompson, Jas Clemons, Lpool, Merchant. Dec 31. Stockley & Wrigley, Lpool.

Tindall, Thos, Gt Driffield, York, Brewer. Dec 11. Hodgson, Gt Driffield.

Woodhouse, Joseph, Nottingham, Pawnbroker. Dec 17. Richards, Nottingham.

TUESDAY, Oct. 24, 1865.

Adlard, Jas Wm, Clapham-rd, Gent. Dec 29. Dyke & Stokes, Doctor's-commons.

Alexander, Benj, Bedford sq, Esq. Nov 20. Hodgson & Co, Salisbury-st, Strand.

Bayley, Jas, Blackpool, Lancaster, Calico Printer. Nov 14. Bury & Co, Manchester.

Bentley, Jas, Stoke-upon-Trent, Gent. Nov 30. Blakiston, Shelton.

Burnaby, Mary, Grey Friars, Leicester, Widow. Dec 21. Dalton, Leicester.

Carter, Jane, Ipswich, Suffolk, Widow. Nov 30. Westhorp, Ipswich.

Cordakes, Jonathan, Glen Ebor, Down, Esq. Jan 1. Morton, Belfast.

Cradock, Sheldon, Leicester. Dec 21. Dalton, Leicester.

Dawson, Louisa Finch, Rochester, Stafford, Widow. Dec 21. Dalton, Leicester.

Hewson, Fanny, North Cave, York, Widow. Dec 5. Burland & Co, South Cave.

Martin, Isaac, Hadlow, Kent, Farmer. Nov 17. Macheson & Goldring, Lincoln's-inn-fields.

Stanley, John, Distington, Cumberland, M.D. Nov 11. Brockbank & Helder, Whitehaven.

Sykes, Joseph, Huddersfield, York, Esq. Dec 30. Chambers & Chambers, Brighouse.

Twiss, Jas, Hindley, Lancaster, Lumber. Dec 24. Ackerley & Son, Wigan.

Wroot, John, Misterton, Nottingham, Carpenter. Oct 9. Plaskitt, Gainsborough.

Assignments for Benefit of Creditors.

FRIDAY, Oct. 20, 1865.

Roberts, Wm, Aberavon, Glamorgau, Ironmonger. Sept 23. Henderson, Bristol.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Oct. 10, 1865.

Allen, Fredk, Wellington-pl, Paddington-green, Comm Agent. Oct 17. Conv. Reg Oct 20.

Bagshaw, Jas, Bailey, York, Druggist. Sept 25. Asst. Reg Oct 17.

Bates, John, Aston, nr Birm, Comm Agent. Sept 23. Comp. Reg Oct 20.

Brassington, Chas, Wellington, Salop, Engineer. Oct 5. Comp. Reg Oct 18.

Broadhead, David, Almondsbury, York, Woollen Cloth Manufacturer. Oct 12. Conv. Reg Oct 19.

Brownish, Edw, Coventry, Draper. Oct 5. Conv. Reg Oct 18.

Brounson, John, Manch, Stationer. Oct 10. Comp. Reg Oct 18.

Bulmer, Richd, South Shields, Durham, Gardener. Oct 10. Asst. Reg Oct 19.

Carme, Jas, Stoke Damerel, Devon, Baker. Sept 20. Comp. Reg Oct 19.

Cohen, Fredman, Maidstone, Kent, Clothier. Sept 19. Comp. Reg Oct 17.

Coveney, Danl, Connaught-terr, Edgeware-rd, Ladies' Outfitter. Sept 27. Asst. Reg Oct 19.

Dale, Wm, Nottingham, Confectioner. Sept 21. Conv. Reg Oct 19.
 Davies, Jane, Italian, Denbigh, Draper. Sept 23. Conv. Reg Oct 17.
 Davies, Thos, Trevelth, Monmouth, Grocer. Sept 25. Conv. Reg Oct 17.
 Dudman, Wm, Alexander-st, Paddington, Fishmonger. Oct 19. Comp. Reg Oct 20.
 Hardy, John, Hornsey-rd, Holloway, Cordwainer. Oct 16. Comp. Reg Oct 20.
 Hickling, Wm, Nottingham, Innkeeper. Oct 14. Comp. Reg Oct 18.
 Huggon, Wm, Carlisle, Cumberland, Clothier. Sept 22. Conv. Reg Oct 17.
 Kidd, Robt, & John Woodhouse, Farnworth, near Widnes, Lancaster, Canvas Manufacturers. Oct 14. Comp. Reg Oct 17.
 Lewis, Wm, Coseley, Stafford, Grocer. Sept 27. Comp. Reg Oct 19.
 McKenzie, Farquhar, Birm, Draper. Sept 22. Asst. Reg Oct 20.
 Moore, Fredk, Worksoop, Notts, Grocer. Sept 12. Conv. Reg Oct 19.
 Mosley, Chas, Manch, Brush Manufacturer. Sept 22. Conv. Reg Oct 16.
 Moule, Wm Thos, Dacre-pk, Lee, Kent, Clerk. Oct 19. Comp. Reg Oct 20.
 Palin, John, Lpool, Butcher. Oct 17. Comp. Reg Oct 20.
 Prior, Richd, Tunbridge Wells, Kent, Furniture Warehouseman. Sept 20. Conv. Reg Oct 19.
 Reuter, Peter Wm, & Ferdinand Reuter, Fenchurch-st, Merchants. Sept 20. Comp. Reg Oct 18.
 Roberts, Hy, Luton, Bedford, Boot Dealer. Oct 7. Comp. Reg Oct 19.
 Sear, John, & David Ibbett, Islington, Middx, Grocers. Oct 17. Comp. Reg Oct 18.
 Smart, Wm, Chippenharn, Grocer. Sept 26. Asst. Reg Oct 19.
 Smith, John Thos, Old Kent-rd, Bleacher. Oct 16. Arr. Reg Oct 19.
 Soesan, Geo, Hackney-rd, Cap Manufacturer. Oct 13. Comp. Reg Oct 17.
 Spence, Thos, Lpool, Hosiery. Oct 4. Asst. Reg Oct 20.
 Sufton, Jonathan, Clapton, Middx, Builder. Sept 21. Conv. Reg Oct 19.
 Wade, Thos, Leeds, Comm Agent. Oct 12. Comp. Reg Oct 19.
 Wilson, Richd, Easington, York, Innkeeper. Sept 23. Asst. Reg Oct 19.
 Willis, Edmund, Ebbw Vale, Monmouth, Plumber. Oct 17. Comp. Reg Oct 19.

TUESDAY, Oct. 24, 1865.

Ashton, Geo, & Jas Dean, Brinnington, Chester, Joiners. Sept 29. Conv. Reg Oct 21.
 Bailey, Joseph, Congleton, Chester, Butcher. Oct 10. Asst. Reg Oct 21.
 Barrett, Jas, Rotherwick, Hants, Blacksmith. Sept 25. Asst. Reg Oct 21.
 Bartels, Baldwin Von, Finner's-ct, Old Broad-st, Merchant. Sept 26. Conv. Reg Oct 21.
 Beavis, Thos, Wrotham-rd, Camden-town, Clerk to a Shipping Agent. Sept 23. Comp. Reg Oct 23.
 Booth, Emanuel, & John Verity, Leeds, Boot and Shoe Manufacturers. Sept 28. Comp. Reg Oct 20.
 Boyden, Jas Scrutton, Sheerness, Kent, out of business. Oct 6. Conv. Reg Oct 23.
 Brighshaw, Chas, Maidenhead, Berks, Draper. Oct 9. Conv. Reg Oct 23.
 Brown, Archibald Douglas, Bristol, Cabinet Maker. Sept 28. Inspectorship. Reg Oct 24.
 Buckwell, Hy Joseph, Reading, Berks, Draper. Sept 29. Conv. Reg Oct 24.
 Case, Thos, jun, New Hampton, Middx, Boot Maker. Sept 29. Comp. Reg Oct 23.
 Cooke, Grace, & Christina Wescombe, Neath, Glamorgan, Grocers. Sept 27. Asst. Reg Oct 21.
 Dewey, Wm, Penrith, Cumberland, Bookseller. Oct 2. Asst. Reg Oct 20.
 Dunn, Lawrence, Lpool, Boot Maker. Oct 3. Comp. Reg Oct 23.
 Edmonds, Ezekiel, & Wm Chas Webb, Bradford, Wilts, Cloth Manufacturers. Sept 25. Asst. Reg Oct 21.
 Empson, Chas, Kingston-upon-Hull, Boot and Shoe Maker. Sept 26. Comp. Reg Oct 24.
 Fielding, Thos, Middleton, Lancaster, Corn Dealer. Oct 11. Conv. Reg Oct 24.
 Frew, Wm Hy, Gracechurch-st, Hosiery. Sept 29. Comp. Reg Oct 21.
 Greenhough, Joseph, Beverley, York, Flower Seller. Oct 4. Comp. Reg Oct 24.
 Greening, John Thos, Birm, Tailor. Sept 28. Asst. Reg Oct 23.
 Harrison, Thos, & Frederick Huskisson, Birm, Tailors. Sept 23. Conv. Reg Oct 21.
 Hartley, Jepson, Barnsley, York, Warehouseman. Oct 6. Comp. Reg Oct 23.
 Helme, Wm, Vauxhall Railway Archies, Lambeth, Bobbin Maker. Oct 19. Comp. Reg Oct 23.
 Highley, Saml, Green-st, Leicester-square, Microscope and Philosophical Instrument Manufacturer. Oct 12. Comp. Reg Oct 20.
 Hollander, Jacob, Liverpool, Jeweller. Oct 18. Asst. Reg Oct 24.
 Howard, Edwin, Denton, Lancaster, Builder. Sept 30. Comp. Reg Oct 23.
 Jackman, Wm Hy, Haylands, Ryde, Isle of Wight, Builder. Sept 26. Asst. Reg Oct 23.
 Jenkins, John Edwin, Stow-on-the-Wold, Gloucester, Surgeon. Sept 26. Conv. Reg Oct 23.
 Johnson, Chas, Wybunbury, Chester, Grocer. Oct 9. Conv. Reg Oct 23.
 Johnson, John, George-st, Spitalfields, Carpenter. Oct 19. Comp. Reg Oct 20.
 Kingdon, Francis, Cheltenham, Gloucester, Laxman. Oct 4. Conv. Reg Oct 23.
 Langridge, John Thos, Brompton, Kent, Grocer. Oct 12. Comp. Reg Oct 24.
 Lehmon, Zell, Britannia-bridge, Limehouse, Eating-house Keeper. Oct 24. Comp. Reg Oct 24.
 Lewis, Thos, Cardiff, Glamorgan, Iron Merchant. Sept 28. Conv. Reg Oct 24.
 Moulton, John, Shore-rd, South Hackney, Banker's Clerk. Oct 18. Arr. Reg Oct 24.
 Nash, Jas, Bermondsey-st, Bermondsey, Chairmaker. Oct 11. Comp. Reg Oct 20.

Picken, Jas, Stafford, Hairdresser. Sept 26. Comp. Reg Oct 21.
 Rutter, John, Penryn, Cornwall, Saddler. Sept 23. Asst. Reg Oct 21.
 Senior, Wm, Lockwood, York, Commercial Traveller. Oct 18. Conv. Reg Oct 21.
 Simons, Richd, Mark-lane, Wine and Spirit Merchant. Oct 20. Asst. Reg Oct 24.
 Stidolph, Edwd, Tonbridge, Kent, Upholsterer. Sept 20. Conv. Reg Oct 21.
 Stocks, Wm, & John Stocks, Earisheaton, York, Blanket Manufacturers. Oct 18. Comp. Reg Oct 23.
 Taylor, Hillary, Worcester, Horse Dealer. Oct 19. Comp. Reg Oct 21.
 Tudor, Wm Linthwaite, jun, Nottingham, Grocer. Oct 6. Asst. Reg Oct 21.
 Whiteley, Chas Fletcher, Kingston-upon-Hull, Shipsmith. Sept 30. Comp. Reg Oct 23.

Bankrupts.

FRIDAY, Oct. 30, 1865.

To Surrender in London.

Allen, Thos, Prisoner for Debt, London. Pet Oct 18 (for pau). Nov 2 at 2. Bramwell, Basinghall-st.
 Attneave, Hy, Queen's-rd, Dalston, Tailor. Pet Oct 16. Nov 2 at 12. Treherne & Co, Aldermanbury.
 Blades, Frank Joseph, Wimbledon, Surrey, Clerk in H.M.'s Stationery Office. Pet Oct 16. Nov 2 at 12. Priest, Buckingham-st, Strand.
 Blades, Thos, Chas, Bream's-bldgs, Chancery-lane, Draughtsman. Pet Oct 18. Nov 2 at 11. Allen, Chancery-lane.
 Goodyear, Wm, Railway Bridge Wharf, Battersea, Stone Merchant. Pet Oct 11. Nov 2 at 11. Moxon, Lincoln's-inn-fields.
 Greenland, Geo Richd, Prisoner for Debt. Pet Oct 16 (for pau). Nov 2 at 1. Ingle & Co, King William-st.
 Hotson, John Nightingale, Prisoner for Debt. Pet Oct 17 (for pau). Nov 2 at 1. Gantley, Covent-garden.
 Jordan, Philip, Bishop's-road, Croydon, Builder. Pet Oct 17. Nov 2 at 1. Bickley, King William-st.
 Mangrie, John, South End, Kensington, Grocer. Pet Oct 17. Nov 2 at 1. Reed, Guildhall-chambers.
 May, Joseph, Prisoner for Debt, London. Pet Oct 11 (for pau). Nov 8 at 1. Goatley, Bow-st.
 Morgan, Thos, Liverpool-st, no occupation. Pet Oct 17. Nov 2 at 12. Buchanan, Basinghall-st.
 Moyes, Thos, Commercial-rd, East, out of business. Pet Oct 17. Nov 2 at 12. Marshall, Lincoln's-inn-fields.
 O'Brien, Edwd, Regent's-park-rd, Primrose-hill, Civil Engineer. Pet Oct 17. Nov 2 at 12. Goldrick, Strand.
 Page, Enos, Gray's-inn-rd, Boot Maker. Pet Oct 18. Nov 2 at 12. Goldrick, Strand.
 Portlock, Wm Arnold, Holland-rd, Milbrook-rd, Brixton. Pet Oct 16. Nov 2 at 11. Goatley, Bow-st.
 Stroudley, Wm, Ingham-st, Basinghall, Hants, Farmer. Pet Oct 18. Nov 2 at 2. Doyle, Verulam-buildings, Gray's-inn, for Looker, Oxford.
 Trayte, Wm, King's College-rd, St. John's-wood, Carpenter. Pet Oct 17. Nov 2 at 1. Allen, Chancery-lane.
 Wailer, Joseph, Alpha-st, Old Kent rd, Reerseller. Pet Oct 17. Nov 2 at 1. Hall, Coleman-st.
 Walker, Arthur, Prisoner for Debt, London. Pet Oct 18 (for pau). Nov 2 at 2. Goatley, Bow-street.
 Willson, Jas, Leighton Buzzard, Bedford, Shoe Dealer. Pet Oct 18. Oct 31 at 2. Sole & Co, Aldermanbury.

To Surrender in the Country.

Allen, Geo, & Eli Allen, Pilkington, Lancaster, Dyers. Pet Oct 16. March, Oct 31 at 11. Crossland, Bury.
 Armstrong, Benj, Wolverhampton, Boot Maker. Pet Oct 18. Wolverhampton, Nov 2 at 12. Cresswell, Wolverhampton.
 Best, Norris Wm, Wednesbury, Stafford, surgeon. Pet Oct 9. Birm, Nov 3 at 12. Slater, Darlington.
 Bevers, Thos, jun, Barnsley, York, Corn Dealer. Pet. York, Nov 2 at 10. Williamson, Barnsley.
 Birks, Wm, Longton, Stafford, Writing Clerk. Pet Oct 14. Stoke-upon-Trent, Nov 4 at 11. Tennant, Hauley.
 Bligdon, John, Longley, Dorset, Blacksmith. Pet Sept 16. Dorchester, Oct 30 at 2. Weston, Dorchester.
 Breeze, John, St Harmon, Radnor, farmer. Pet July 27. Bristol, Nov 1 at 11. Jenkins, Llanidloes, and Brittan & Sons, Bristol.
 Brown, Alfred, Newcastle-under-Lyme, Stafford, Tannery. Pet Oct 18. Nov 13 at 12. Harding, Newcastle-under-Lyme, and Hodgson & Sons, Birm.
 Bushley, Edwin, Prisoner for Debt, Birm. Pet Oct 17 (for pau). Birm, Nov 1 at 12. James & Griffin, Birm.
 Cadwell, Joseph, Warrington, Lancaster, Greengrocer. Pet Oct 17. Warrington, Nov 2 at 1. Shepherd & Moore, Warrington.
 Clare, Levi, Wolstanton, Stafford, Grocer. Pet Oct 17. Birm, Nov 3 at 12. Smith, Birm.
 Cordingley, John, Leeds, York, Dyer. Adj Oct 10. Leeds, Oct 30 at 11.
 Crawley, Richd, Taddington, Bedford, Butcher. Pet Oct 16. Luton, Nov 2 at 10. Annersley, St Alban's.
 Fallows, Bennet, Alton, Stafford, Farmer. Pet Oct 19. Birm, Oct 6 at 12. James & Griffin, Birm.
 Gibson, Thos Cummings, Lpool, Ship Builder. Pet Oct 13. Lpool, Oct 31 at 11. Stone & Bartley, Lpool.
 Goddard, Fredk, Gloucester, Piano-forte Maker. Pet Oct 17. Gloucester, Nov 1 at 12. Cook, Gloucester.
 Green, Stephen, Prisoner for Debt, Manchester. Pet Oct 12 (for pau). Manch, Nov 6 at 9.30. Andrew, Manch.
 Guest, Geo, Birm, Greengrocer. Adj Sept 21. Birm, Oct 30 at 10.
 Hall, Joseph, Stafford, Cutler. Adj Oct 9. Stafford, Nov 6 at 11.
 Harrison, Thos, Cardiff, Beer Retailer. Pet Oct 17. Cardiff, Nov 3 at 11. Shipton, Cardiff.
 Hart, Jas, Lpool, Licensed Victualler. Pet Oct 13. Lpool, Oct 30 at 3. Shorley, Lpool.
 Hewitt, Peter, Leamington Priors, Warwick, Baker. Pet Oct 11. Warwick, Oct 28 at 11. Overell, Leamington Priors.
 Horrocks, Jas, Prisoner for Debt, Walton. Adj Aug 16. Lpool, Oct 31 at 3. Hime, Lpool.

Howells, John Cadwallader, Swansea, Glamorgan, Tailor. Pet Oct 10. Swansea, Nov 8 at 2. Tripp, Swansea.
Hutchinson, Robt, Middlesbrough, York, Toy Dealer. Pet Oct 16. Stockton-on-Tees, Nov 1 at 11. Griffin, Middlebrough.
Isaacs, Jas, Swansea, Glamorgan, Licensed Victualler. Pet Sept 16. Bristol, Oct 31 at 11. Field, Swansea.
Knight, Geo Adams, Rugby, Warwick, Confectioner. Pet Oct 14. Rugby, Oct 31 at 11. Smallbone, Coventry.
Lee, John Geo, Lancaster, Surveyor. Pet Oct 17. Manch, Nov 6 at 9.30. Higson & Co, Manch.
Mahoney, Matthew, Lpool, Poulterer. Pet Oct 16. Lpool, Oct 13 at 3. Gray, Lpool.
McHale, John, Lpool, Provision Dealer. Pet Oct 16. Lpool, Nov 6 at 11. Best, Lpool.
Middleton, Wm Hy, Torquay, Devon, Fishmonger. Pet Oct 17. Newton Abbot, Oct 31 at 11. Nicholmore, Newton Abbot.
Milburn, Hy, Springthorpe, Lincoln, Wool Dealer. Pet Oct 16. Leeds, Nov 1 at 12. Plaskett, Gainsborough.
Milnes, John, Gloucester, Contractor. Pet Oct 17. Bristol, Oct 31 at 11. Press & Inskip, Bristol.
Mossop, Thos, Eccleshall, Stafford, Stone Mason. Pet Oct 16. Stone, Nov 1 at 11. Grentrex, Stafford.
Murphy, Jas, Lpool, Auctioneer. Pet Oct 18. Lpool, Nov 1 at 3. Henry, Lpool.
Orty, Edw, Prisoner for Debt, Lincoln. Adj Sept 12. Hull, Nov 1 at 12.
Peacock, Wm, Prisoner for Debt, York. Adj Oct 10. Leeds, Oct 30 at 11.
Powell, Robt, Norwich, Butcher. Pet Oct 18. Norwich, Nov 3 at 11. Sudd, Norwich.
Ratcliff, Wm, Bradley, Bilston, Stafford, Grocer. Pet Oct 13. Wolverhampton, Nov 2 at 12. Turner, Wolverhampton.
Samson, Alexander Samuel, Melcombe Regis Dorset, Surgeon. Pet Oct 16. Exeter, Oct 30 at 12. Howard, Weymouth, and Terrell, Exeter.
Savage, Jas, Cardiff, Glamorgan, Sailmaker. Pet Oct 17. Bristol, Oct 31 at 11. Ingledew, Cardiff, and Press & Inskip, Bristol.
Scollie, Thos, Darlington, Durham, Tailor. Pet Oct 17. Newcastle-upon-Tyne, Oct 31 at 12. Hoyle & Shipley, Newcastle-upon-Tyne.
Spence, Thos, Lpool, Outfitter. Pet Oct 10. Lpool, Nov 1 at 11. Richardson & Bilson, Lpool.
Thompson, John, Chester, Potato Merchant. Pet Oct 18. Chester, Oct 31 at 9. Churton, Chester.
Tomlinson, Wm, East Norton, Ringley, York, Farm Labourer. Pet Oct 17. Nov 1 at 3. Hodgson, Kettlewell.
Vine, Jas, Redruth, Cornwall, Travelling Draper. Pet Oct 16. Exeter, Oct 30 at 12. Paul & Co, Redruth, and Campion, Exeter.
Warren, Thos, Sixpenny, Handley, Dorset, Cattle Dealer. Pet Oct 17. Blandford, Nov 11 at 3. Chitty, Shaftesbury.
Weston, John, Birm, out of business. Pet Oct 18. Birm, Nov 23 at 10. East, Birm.
Wilkinson, Thos, Bridgwater, out of business. Adj Oct 14. Taunton, Nov 1 at 10. Reed & Cook, Bridgwater.
Woodcock, Thos, Loughborough, Leicester, Tailor. Pet Oct 18. Birm, Nov 7 at 11. Collis and Co, Birm.
Wyatt, Thos, Dundridge Farm, St George, Gloucester, Farmer. Pet Oct 16. Bristol, Oct 30 at 11. Wintle, Bristol.

TUESDAY, Oct. 24, 1865.

To Surrender in London.

Baylis, Hy, Hackney Wick, Middx, out of business. Pet Oct 17. Nov 7 at 12. Dobie, Guildhall chambers, Basinghall-st.
Benecke, John, Wm Nicholas, Bruxton-rd, Surrey, Commercial Clerk. Pet Oct 21. Nov 7 at 2. Edwards, Bush-lane.
Bowyer, Allen, Stepney-green, Middx, Cattle Dealer. Pet Oct 20. Nov 7 at 1. Wood & King, Basinghall-st.
Cox, Thos, Brighton, Sussex, Schoolmaster. Pet Oct 18. Nov 7 at 2. Deane & Co, South-sq, Gray's-inn.
Day, John, Woolwich-common, Kent, Baker. Pet Oct 21. Nov 7 at 1. Chidley, Old Jewry.
Emslie, John, Walworth-rd, out of business. Pet Oct 19. Nov 7 at 12. Evans, John, Bedford-row.
Evans, John, Bird-st, West-sq, Lambeth, General Shop Keeper. Pet Oct 17. Nov 7 at 12. Ody, Trinity-st, Southwark.
Liddiard, Hy, Hale-st, New North-rd, Islington, Cowkeeper. Pet Oct 16. Nov 7 at 11. Webb, Savage-gardens.
Long, Hy, Theobalds-rd, Corn Dealer. Pet Oct 19. Nov 7 at 12. Champ, Millman-st, Bedford-row.
Marty, Hy, Greenwich, Kent, Commercial Traveller. Pet Oct 21. Nov 7 at 1. George, Size lane, Bucklersbury.
Pagden, Wm, Fenchurch-st, London, Attorney. Pet Aug 23. Nov 7 at 2. Ashurst & Co, Old Jewry.
Pridames, Geo, St James's-market, Corn Dealer. Pet Oct 18. Nov 7 at 2. Leece, Gt Knight Hyder-st.
Pryer, Clement Wm, Aloysius, Shenfield, Essex, Merchant's Clerk. Pet Oct 20. Nov 7 at 1. Cooke, Fenchurch-st.
Sellwood, Robt, East Barnet, Hertford, Builder. Pet Oct 19. Nov 7 at 12. Layton, Upper-st, Islington.
Davis, Sarah, Prisoner for Debt, London. Pet Oct 19 (for pan). Nov 7 at 12. Hall, Coleman-st.

To Surrender in the Country.

Ayres, Abraham Lockington, Prisoner for Debt, Chesterton. Adj Oct 19. Cambridge, Nov 9 at 11. Whitehead & French, Cambridge.
Bealey, John, Dolton, Devon, Builder. Pet Oct 23. Exeter, Nov 3 at 11. Doe, Gt Torrington, & Clarke, Exeter.
Bulman, Jas, Prisoner for Debt, Walton. Adj Oct 18. Lpool, Nov 6 at 11.
Burnet, Geo, Chatham, Kent, Shipwright. Pet Oct 27. Rochester, Nov 7 at 2. Hayward, Rochester.
Cosier, John, Flamstead, Hertford, Grocer. Pet Oct 9. St Alban's, Nov 11 at 11. Amesley, St Alban's.
Craven, Abraham, Calverley, York, Farmer. Pet Oct 6 at 20. Leeds, Nov 6 at 11. Hutchinson, Bradford, and Bond & Barwick, Leeds.
Dewick, Wm, Prisoner for Debt, Kingston-upon-Hull. Adj Oct 18. Kingston-upon-Hull, Nov 8 at 12.
Donnelly, Francis, Lpool, Shipping Agent. Pet Oct 19. Lpool, Nov 6 at 3. Thornley, Lpool.

Edwardes, Fredk Augustus, Llanstephen, Carmarthen, Adjutant of the Carmarthenshire Volunteers. Pet Oct 20. Bristol, Nov 3 at 11. Lloyd, Carmarthen, & Henderson, Bristol.
Ellis, John, Brighouse, York, Wheelwright. Pet Oct 23. Halifax, Nov 10 at 10. Jubb, Halifax.
Folds, Joseph, Colne, Lancaster, Grocer. Pet Oct 18. Colne, Nov 8 at 4. Backhouse & Whittam, Burnley.
Gibbins, Luke, Rugby, Warwick, Bootmaker. Pet Oct 19. Rugby, Nov 2 at 11. Smallbone, Coventry.
Griffin, Geo, Easton, Hants, Yeoman. Pet Oct 19. Winchester, Nov 6 at 10. Hollis, Winchester.
Hart, Edwin, Prisoner for Debt, Nottingham. Adj Oct 10. Nottingham, Nov 29 at 11.
Hasell, Wm, sen, Ballington, Essex, out of business. Pet Oct 18. Sudbury, Nov 6 at 12. Mumford, Sudbury.
Hunt, Wm Hy, Prisoner for Debt, Cambridge. Adj Oct 19. Cambridge, Nov 6 at 12.
Jackson, Thos, Wolstanton, Stafford, Potter's Moulder. Pet Oct 17. Newcastle-upon-Tyne, Nov 4 at 11. Litchfield, Newcastle-under-Lyme.
James, John, Blenavon, Monmouth, Butcher. Pet Oct 19. Aberystwyth, Nov 7 at 12. Graham, Newport.
Javes, Hy, Frimley, Surrey, Painter. Pet Oct 17. Farnham, Oct 31 at 12. White, Guildford.
Jenks, Sarah, Prisoner for Debt, Stafford. Oct 9. Newcastle-under-Lyme, Nov 4 at 11. E. & A. Tennant.
Ledbeater, Fredk, Bilson Woodside, Gloucester, Collier. Pet Oct 20. Newnham, Nov 6 at 10. Gould, Newnham.
Lucas, Thos, Birm, Manufacturer of Electro-plated Wares. Pet Oct 21. Birm, Nov 20 at 10. East, Birm.
Moe, John, Withington, Manch, Farmer. Adj Oct 20. Manch, Nov 10 at 11. Hulton & Co, Salford.
Medlicott, Wm, Walsall, Staffordshire, Licensed Victualler. Adj Oct 9. Walsall, Nov 6 at 12.
Needham, Jonathan, Coventry, Watch Manufacturer. Pet Oct 14. Coventry, Oct 31 at 3. Griffin, Coventry.
Parker, David, Nuneaton, Warwick. Pet Oct 19. Nuneaton, Nov 18 at 10. Craddock, Nuneaton.
Pickles, Jos, Todmorden, Lancaster, Wool and Cotton Dealer. Pet Oct 14. Manch, Nov 6 at 11. Leigh, Manch.
Purser, Sarah, Pershore, Worcester, Grocer. Pet Oct 19. Pershore, Nov 7 at 11. Wilson, Worcester.
Richards, Saml, Maipis, Cornwall, Licensed Victualler. Pet Oct 20. Truro, Nov 8 at 3. Marshall, Truro.
Roberts, David, & Evan Roberts, Llanarmon, Denbigh, Farmers. Pet Oct 19. Lpool, Nov 6 at 12. Goldrick, Lpool.
Shaw, Hy, Brighton, Lodging house Keeper. Pet Oct 20. Brighton, Nov 8 at 11. Bannels, Brighton.
Servant, David, Prisoner for Debt, Walton. Adj Oct 18. Lpool, Nov 6 at 11.
Simpson, Wm Newbiggin, Prisoner for Debt, Newcastle-upon-Tyne. Adj Oct 11. Newcastle-upon-Tyne, Nov 8 at 12. Hoyle, Newcastle-upon-Tyne.
Taylor, Edmund, Kidderminster, Worcester, Boot Maker. Pet Oct 18. Kidderminster, Nov 6 at 11. Crowther, Kidderminster.
Tolson, Emanuel, Batley Carr, York, Joiner. Pet Oct 20. Dewsbury, Nov 10 at 12. Chadwick, Dewsbury.
Torevell, Jas, Kendal, Westmorland, Post Boy. Pet Oct 13. Kendal, Oct 27 at 10. Thomson, Kendal.
Turpin, John, Prisoner for Debt, Nottingham. Adj Oct 10. Nottingham, Nov 29 at 11.
Turner, John, Dudley, Worcester, Fruiterer. Pet Oct 20. Birm, Nov 6 at 12. James & Griffin, Birm.
Walford, Edw Wm, Weston-super-Mare, Somerset, Tailor. Pet Oct 16. Weston-super-Mare, Nov 6 at 12. Smith, Weston-super-Mare.
Wilkes, John, Newcastle-under-Lyme, Stafford, Clog and Boot Maker. Pet Oct 17. Newcastle-under-Lyme, Nov 4 at 11. Tennant, Hanley.
Wylie, Thos Fell, Newcastle-upon-Tyne, Joiner. Pet Oct 14. Newcastle-upon-Tyne, Nov 8 at 12. Hoyle & Shipley, Newcastle-upon-Tyne.

BANKRUPTCIES ANNULLED.

FRIDAY, Oct 20, 1865.

Greene, Alex Montgomery, Norfolk-st, Lower-rd, Islington, Oilman. Oct 18.
Springett, Joseph, The George, Upper Whitecross-st, Licensed Victualler. Oct 12.

TUESDAY, Oct. 24, 1865.

Samders, Barnard Wm, Clapham-rd, Brewer. Oct 19.

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The greatly increased and still increasing amount of business offered to this company, both by eminent private firms, companies, and corporations, has decided the court of directors to make their second issue of shares, by allotting the remaining capital of the company, consisting of 100,000 new shares, on which £5 per share only is intended to be called up.

These 100,000 new shares the directors propose to issue as follows, viz.:

100,000 shares will be issued to the shareholders in this company who stand registered on the books of the company, to be allotted to them at a premium of £2 10s. per share, in the proportion of one new share for every two shares now held; and

50,000 shares will be issued to the general public (including such shareholders as may wish to apply for shares in addition to those they are entitled to as shareholders), to be allotted at a premium of £3 10s. per share.

The premiums to be received upon this issue will amount to £300,000, which will be added to the £200,000 already standing at the credit of the general reserve fund, and will thus increase that fund to £500,000. The dividend reserve fund being £100,000, the paid-up capital will then be £1,000,000.

The new shares will be paid up as follows, viz.:

On these is paid at £2 10s. per share premium to the shareholders:—

£:	0	0	per share on application; being on capital account.
1	10	0	on allotment: £1 being on capital account, 10s. on premium account.
2	10	0	on 1st January, 1866: £1 10s. being on capital account, £1 on premium account.
2	10	0	on 1st March, 1866: £1 10s. being on capital account, £1 on premium account.

£7 10 0 being £5 capital, £2 10s. premium.

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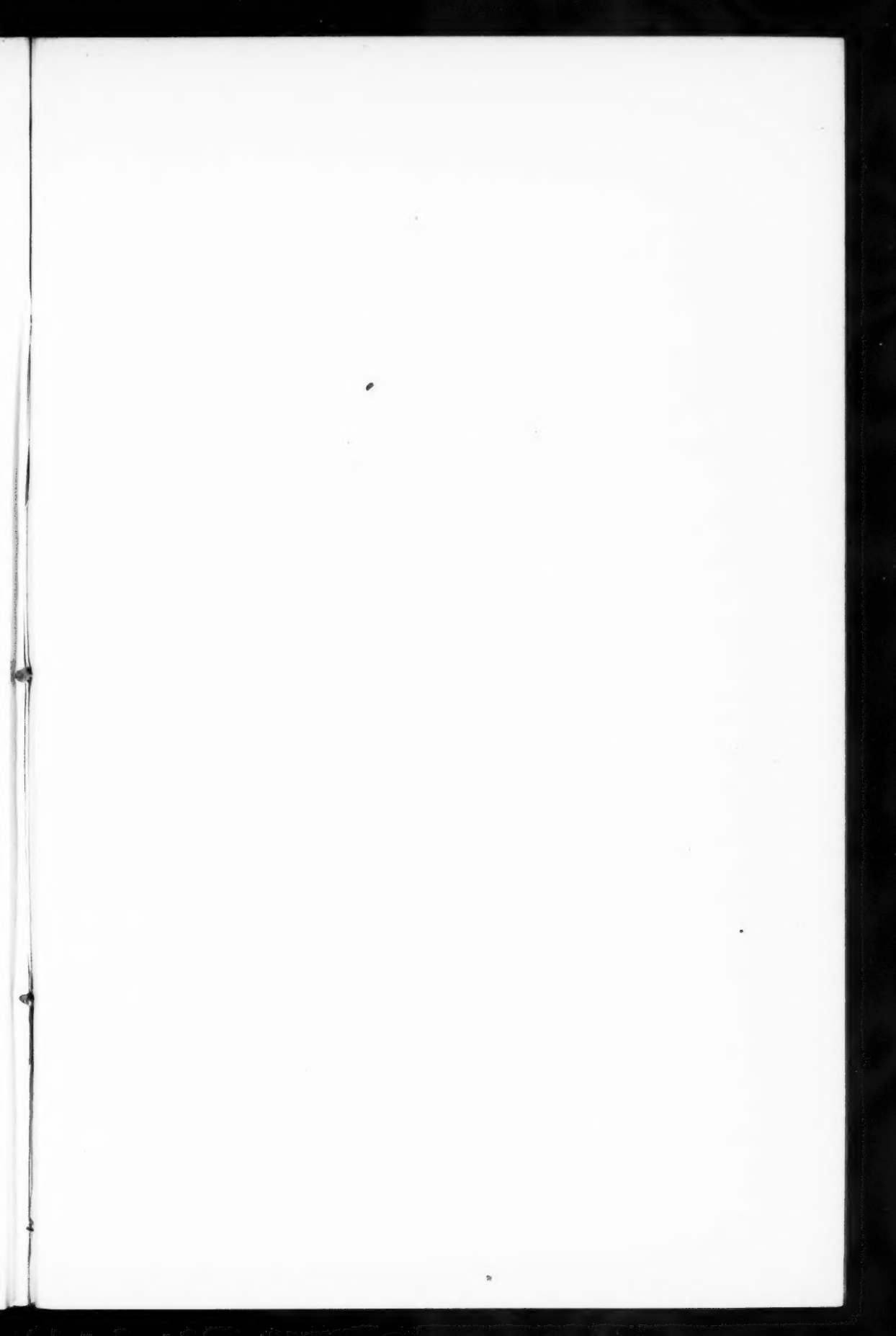
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THE
PUBLIC GENERAL STATUTES,

28 & 29 VICTORIÆ, 1865.

PASSED IN THE SEVENTH SESSION OF THE EIGHTEENTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON :
59, CAREY-STREET, LINCOLN'S-INN, W.C.

1865.

PUBLIC GENERAL STATUTES, 1865.

28 VICTORIÆ.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to amend certain clerical Errors in the Civil Bill Courts Procedure Amendment Act (Ireland), 1864. [3rd March, 1865.]

1. The Act (27 & 28 Vict. c. 99) shall be read with the following *errata* :—

Section 8. For "16th" read "17th."	
Sch. B, part 2, parag. 9. For "11" read "12."	
" 3, " 1. "	"44" "45."
" " 2. "	"52" "53."
" " 1. "	"49" "50."
" 4, " 1. "	"11" "12."
" " 2. "	"43" "44."
" 3. "	"44" "45."
	"52" "53."

CAP. II.

An Act to extend the Powers now vested in Justices of the Peace to grant Licences to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis. [27th March, 1865.]

Preamble recites 23 & 24 Vict. c. 90, extending to whole kingdom certain parts of 1 & 2 Will. 4, c. 32, and 2 & 3 Vict. c. 35; and that it is expedient to give special powers within the Dublin Metropolitan Police District.

All powers vested in magistrates under the said Acts relating to game licences may, within the said police district, be exercised by any two or more police magistrates.

CAP. III.

An Act for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom. [27th March, 1865.]

1. Short title, "Industrial Exhibitions Act, 1865."

2. Power to Board of Trade to certify that any proposed industrial exhibition is entitled to the benefit of this Act. Every such certificate shall mention the place at which, and the time during which, such exhibition is proposed to be held. Time may be afterwards enlarged, but so that the whole time allowed shall never exceed six months.

3.* *Exhibition of new inventions not to prejudice patent rights.* [The exhibition of any new invention at any industrial exhibition entitled to the benefit of this Act shall not, nor shall the publication during the period of the holding of such exhibition of any description of such invention, nor shall the user of such invention, for the purposes of such exhibition, and within the place where the same may be held, or elsewhere by any person using the same during the period of such exhibition, without the privy and consent of the true and first inventor thereof, prejudice the right of any person to register provisionally such invention, or invalidate any letters patent which may be granted for such invention.

4. *Exhibitions of designs not to prejudice right to registration.* [The exhibition at any industrial exhibition entitled to the benefit of this Act of any new design capable of being registered provisionally under the Designs Act, 1850, or of any article to which such design is applied, shall not, nor

shall the publication during the period of the holding of such exhibition of any description of such design, prejudice the right of any person to register, provisionally or otherwise, such design, or invalidate any provisional or other registration which may be granted for such design.

CAP. IV.

An Act to apply the Sum of One hundred and seventy-five thousand six hundred and fifty Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-five. [27th March, 1865.]

CAP. V.

An Act for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope. [27th March, 1865.]

CAP. VI.

An Act for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year One thousand eight hundred and sixty-five. [27th March, 1865.]

1. Short title, "The Protection of Inventions and Designs Amendment Act, 1865."

2. Exhibition of new inventions not to prejudice rights to register the same.

3. Exhibition of new designs not to prejudice rights to register the same.

CAP. VII.

An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Perth. [7th April, 1865.]

1. Provisional order in schedule confirmed.

2. Short title, "The General Police and Improvement (Scotland) Supplemental Act, 1865."

Schedule.

CAP. VIII.

An Act to amend "The Elections Petitions Act, 1848," in certain Particulars.* [7th April, 1865.]

1. *Committee to adjourn to day after the meeting of the House when House not sitting, and committee has occasion to report.* [If any select committee appointed under the principal Act have occasion to apply to or report to the House, and the House be adjourned for more than twenty-four hours, such committee shall adjourn to the day immediately following that on which the House shall be appointed to meet for the despatch of business, unless that day shall happen to be a Sunday, Christmas Day, or Good Friday, and in that case the committee shall adjourn to the next following day.

2. *In case the House shall not sit committee further to adjourn.* [In case the House from any cause shall happen not to sit for the despatch of business on the day appointed for that purpose, the committee shall again, and so from

* Introduced in consequence of the blunder committed in the case of the Lisburn Election Petition, last year.

* Sections having marginal notes prefixed are given *verbatim*.

time to time, adjourn till after the House shall sit for the despatch of business; but no adjournment shall be made for any longer period than to the day next after the day the House shall actually sit for the despatch of business, unless such day shall happen to be a Sunday, Christmas Day, or Good Friday, and in that case the adjournment shall be to the next following day.

3. *In certain cases the House may direct a committee to adjourn for a reasonable period.*] In case it shall become necessary to adjourn the consideration of any application or report made by any committee to the House, the House may, if it shall so think fit, direct the committee to adjourn their sitting again, and from time to time, and for such reasonable time as shall be sufficient to enable the House to decide on such application and report, and such committee shall adjourn accordingly.

4. *If committee dissolved by any error, &c., a new committee shall be struck, unless the House shall otherwise order.*] If at any time after the appointment of a committee under the principal Act it shall appear to the House that, from any error, irregularity of proceeding, oversight, or other cause, such committee has become dissolved, or unable to continue its sittings for any cause not provided for by the principal Act, another committee shall be appointed to decide on the petition referred to such committee, unless the House shall otherwise order, within three sitting days, as hereinafter provided; and for the purpose of appointing such other committee the general committee and the members of the Chairmen's Panel shall meet as soon as conveniently can be after the expiration of three sitting days from the time the occasion for such new committee shall be reported to or brought under the notice of the House by any member, at a day and hour to be appointed by the general committee; and notice of such meeting shall be published with the votes, and all the proceedings of such former committee shall be of no effect.

5. *House may order a dissolved committee to be revived, and to re-assemble and act.*] In all cases where a committee shall have become dissolved by any error, irregularity of proceeding, oversight, or other cause, not involving the death or permanent illness of any of its members, the House may, if it shall so think fit, within three sitting days after such event shall have been reported to or brought under the notice of the House by any member, order such committee to stand revived, and to meet and continue its sittings; and in such case no new committee shall be appointed, unless for any subsequent cause; and the proceedings of such new committee shall have the same force and effect and be as valid as if no such dissolution thereof had taken place.

6. Revived committee shall have power, &c., of original committee under principal Act and this Act.

CAP. IX.

An Act to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in Scotland. [7th April, 1865.]

1. Repeal of 18 & 19 Vict. c. 25, and 26 & 27 Vict. c. 85.
2. Any person called as a witness in a civil or criminal court in Scotland, or making deposition in any matter, civil or criminal, and objecting from alleged conscientious motives to be sworn, may make his or her solemn declaration, which shall have the same effect as an oath taken in the usual form.
3. Persons wilfully making false affirmation or declaration to be guilty of perjury.
4. Short title, "The Affirmations (Scotland) Act, 1865."

CAP. X.

An Act to apply the sum of Fifteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-five. [7th April, 1865.]

CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [7th April, 1865.]

Usual annual Act.

Number of men to consist of 142,477, including those employed at depôts of regiments serving in India, but exclusive of those actually serving in India.

CAP. XII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [7th April, 1865.]
Ordinary annual Act.

CAP. XIII.

An Act to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Act amending the same. [7th April, 1865.]

1. Provisional orders in schedule confirmed.

2. *Act not to legalize injury to lands, &c.*] It is hereby declared that, as against any person owning or interested in any land or other property situate beyond the limits of the jurisdiction of the board established by this Act, nothing contained in the said Drainage and Improvement of Lands Act (Ireland), 1863, or in the said provisional order, or in this Act, shall be construed to render legal any work executed or to be executed by such board, that would, if the said Acts had not been passed, have been illegal by reason of its injuriously affecting such land or property; and any damages adjudged to be paid by the said board to any person as aforesaid, shall be deemed to be part of the costs incurred by such Board in defending legal proceedings instituted against them, and shall be defrayed in manner in which the said costs are authorized to be defrayed by "The Drainage and Improvement of Lands Act (Ireland), 1863."

3. Short title, "The Drainage and Improvement of Lands Supplemental Act, Ireland, 1865."

Schedule of Districts affected:—

1. RATHDOWNEY, Queen's County.
2. SILVER RIVER, King's County and County Westmeath.
3. BALLYNACARRIG, King's County and Queen's County.
4. SIX MILE BRIDGE, County Clare.

CAP. XIV.

An Act to make better Provision for the Naval Defence of the Colonies. [7th April, 1865.]

1. Short title, "The Colonial Naval Defence Act, 1865."
2. Interpretation of "Colony," "the Admiralty."
3. The proper legislative authority in any colony, with the approval of her Majesty in council, may—
 - (1.) Supply and use vessels of war.
 - (2.) Raise and maintain (a) seamen; (b) naval volunteers; (c) commissioned, warrant, and other officers, either of their own or obtained from the Admiralty.
 - (3.) Enforce good order and discipline among the men and officers aforesaid.
 - (4.) Enforce, within the limits of the colony, all enactments and regulations for the time being in force for the discipline of the Royal Navy.
4. Colonial volunteers to form part of Royal Naval Reserve.
5. Admiralty may issue a special commission to any officer of the royal navy volunteering for the purpose.
6. The Privy Council may authorize the Admiralty to accept any offer for the time being made or to be made by the government of a colony, to place at her Majesty's disposal any colonial vessel of war.
7. Services of volunteers and officers in navy shall be subject to such of the provisions of the Act of 1859 as relate to men of the Royal Naval Reserve raised in the United Kingdom when in actual service.
8. The Admiralty may, by warrant, authorize any naval officer not below the rank of captain, to act in the name and on behalf of the Admiralty, in any colony.
9. Act not to impose any charge on imperial revenues, &c.
10. Act not to affect any power of the legislature or government of any colony.

CAP. XV.

An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts. [7th April, 1865.]

1. The time fixed for granting fresh letters patent for the High Courts of India by 24 & 25 Vict. c. 104, s. 17, extended to 1st January, 1866.

2. 24 & 25 Vict. c. 104, ss. 10, 18, repealed.

3. Governor-General of India in Council may, by order, alter local limits of jurisdiction of High Courts.

4. Every such order shall be laid before the Secretary of State for India; and her Majesty may, through such Secretary of State in Council, disallow such order, which shall thereupon be void.

5. Act to come into operation as soon as published by the Governor-General.

6. Nothing in Act to interfere with the legislative power of the Governor-General in Council.

CAP. XVI.

An Act to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service. [7th April, 1865.]

1. From 6th April, 1865, 8 & 9 Vict. c. 37, s. 3, and so much of section 2, as relates to the payment of interest on £2,630,769 4s. 8d., repealed.

2. Interest on such sum payable to Bank of Ireland at £3 6s. per cent. up to 6th April, 1865.

3. From 6th April, 1865, such interest to be reduced to £3 per cent.

4. Future payment to the Bank of Ireland for management of the public debt in Ireland to be as follows:—

1st. While the unredeemed debt of Ireland shall be less than £30,000,000, a sum at the rate of 11½d. per £100 per annum.

2nd. While such debt shall amount to £30,000,000 and not exceed £40,000,000, a sum at the rate of 7½d. per £100 per annum.

3rd. While such debt shall exceed £40,000,000, a sum at the rate of 7½d. per £100 per annum, and a sum at half that rate for the capital in excess of that amount.

Annuities for terms of years shall, for this purpose, be valued at fifteen years' purchase, if originally granted for more than fifty years, and at ten years' purchase if granted for fifty years or under.

5. Commissioners of National Debt to transmit to Treasury statement of the amount of the debt in Ireland, and allowances for management to be computed thereon.

CAP. XVII.

An Act to enlarge the Powers of the Governor-General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant-Governorships in India. [9th May, 1865.]

Preamble recites 24 & 25 Vict. c. 67.

1. Power to Governor-General to make laws for all British subjects, whether in service of Government of India or otherwise.

2. Preceding section to be read as part of 24 & 25 Vict. c. 67, s. 22.

3. 16 & 17 Vict. c. 95, s. 18, repealed.

4. Power to Governor-General to appoint territorial limits of presidencies, &c., by proclamation.

5. Power to Secretary of State in council to signify disallowance of such proclamation. And no such proclamation shall transfer an entire zillah or district from one presidency to another, or from one lieutenant-governorship to another, until the sanction of her Majesty to the same shall have been signified.

CAP. XVIII.

An Act for amending the Law of Evidence and Practice on Criminal Trials. [9th May, 1865.]

Whereas it is expedient that the law of evidence and practice on trials for felony and misdemeanour and other proceedings in courts of criminal judicature should be more nearly assimilated to that on trials at Nisi Prius: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: that is to say,

1. Provisions of section 2 of this Act to apply to trials commenced on or after July 1, 1865.] That the provisions of section 2 of this Act shall apply to every trial for felony or misdemeanour which shall be commenced on or after the first day of July, 1865, and that the provisions of sections from 3 to 8 inclusive of this Act shall apply to all courts of judicature, as well criminal as all others, and to all persons having, by law or by consent of parties, authority to hear, receive, and examine evidence.

2. Summing up of evidence in cases of felony and misdemeanour.] If any prisoner or prisoners, defendant or defendants, shall be defended by counsel, but not otherwise, it shall be the duty of the presiding judge, at the close of the case for the prosecution, to ask the counsel for each prisoner or defendant so defended by counsel whether he or they intend to adduce evidence, and in the event of none of them thereupon announcing his intention to adduce evidence, the counsel for the prosecution shall be allowed to address the jury a second time in support of his case, for the purpose of summing up the evidence against such prisoner or prisoners, or defendant or defendants; and upon every trial for felony or misdemeanour, whether the prisoners or defendants, or any of them, shall be defended by counsel or not, each and every such prisoner or defendant, or his or their counsel respectively, shall be allowed, if he or they shall think fit, to open his or their case or cases respectively; and after the conclusion of such opening or of all such openings, if more than one, such prisoner or prisoners, or defendant or defendants, or their counsel, shall be entitled to examine such witnesses as he or they may think fit, and when all the evidence is concluded, to sum up the evidence respectively; and the right of reply, and practice and course of proceedings, save as hereby altered, shall be as at present.

3. How far witness may be discredited by the party producing.] A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall, in the opinion of the judge, prove adverse, contradict him by other evidence, or, by leave of the judge, prove that he has made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

4. As to proof of contradictory statements of adverse witness.] If a witness, upon cross-examination as to a former statement made by him relative to the subject-matter of the indictment or proceeding, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

5. Cross-examinations as to previous statements in writing.] A witness may be cross-examined as to previous statements made by him in writing or reduced into writing relative to the subject matter of the indictment or proceeding, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: provided always that it shall be competent for the judge at any time during the trial to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he may think fit.

6. Proof of previous conviction of witness may be given.] A

witness may be questioned as to whether he has been convicted of any felony or misdemeanour, and upon being so questioned, if he either denies or does not admit the fact, or refuses to answer, it shall be lawful for the cross-examining party to prove such conviction; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where the offender was convicted, or by the deputy of such clerk or officer (for which certificate a fee of five shillings and no more shall be demanded or taken), shall, upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

7. *As to proof by attesting witnesses.*] It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and such instrument may be proved as if there had been no attesting witness thereto.

8. *As to comparison of disputed writing.*] Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the Court and jury as evidence of the genuineness or otherwise of the writing in dispute.

9. *"Counsel."*] The word "counsel" in this Act shall be construed to apply to attorneys in all cases where attorneys are allowed by law or by the practice of any court to appear as advocates.

10. *Not to apply to Scotland.*] This Act shall not apply to Scotland.

CAP. XIX.

An Act to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863. [9th May, 1865.]

1. The extension of time for borrowing powers of the Metropolitan Board of Works, under the said Act, extended to 31st December, 1867.

2. This Act shall be construed as one with the Main Drainage Act, 1858, and the said Extension Act.

CAP. XX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. [9th May, 1865.]

1. Inclosures in schedule may be proceeded with.
2. Short title, "The Annual Inclosure Act, 1865."

SCHEDULE.

Buckingham	Fulmer Common.
Carmarthen	Abernant, Llawrbante.
Cumberland	Gamblesby Fell.
Hereford	Maerbach Hill.
Lincoln	Reephram Moor.
Surrey	Epsom Common Fields.
Westmoreland	Asby Winderworth.
Wilts	Donhead St. Mary.
Worcester	Broad Heath Common or Hanley Heath, Elmbridge, Elmley Lovett.
York	Helmsley Common, Trum- fleet.

CAP. XXI.

An Act to amend the Irish Bankrupt and Insolvent Act, 1857. [9th May, 1865.]

1. No railway company, incorporated by Parliament, to be made bankrupt under 20 & 21 Vict. c. 60.
2. Not to affect any adjudication of bankruptcy already made; but no shareholder of any railway company to be liable to pay or contribute any sum beyond the unpaid capital of his shares.
3. Short title, "The Irish Bankrupt and Insolvent Amendment Act, 1865."
4. Act to extend to Ireland only.

CAP. XXII.

An Act to amend the Acts relating to the Scottish Herring Fisheries. [9th May, 1865.]

Preamble recites 23 & 24 Vict. c. 92; 24 & 25 Vict. c. 72.

1. 23 & 24 Vict. c. 92, s. 4, repealed.
2. It shall not be lawful to fish for herrings between Ardnamurchan and the Mull of Galloway from 1st February and 31st May inclusive, in any year; and any person fishing in breach of the above enactment shall be liable to a penalty, not less than £5 nor more than £20, and forfeiture of nets.

CAP. XXIII.

An Act to confirm a Provisional Order under "The Land Drainage Act, 1861." [9th May 1865.]

1. Provisional order in schedule confirmed.
2. Short title, "The Land Drainage Supplemental Act, 1865."

SCHEDULE.

CHEDZOY Improvement, in the several parishes of Westonozoyland, Chedzoy, Bridgewater, Woolavington, North Petherton, and Middlezoy, in the county of Somerset.

CAP. XXIV.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Bridlington, Brighouse, Burnley, Henley, Shipley, Wallingford, Llangollen, Ormskirk, Swansea, Tormoham, and Lockwood. [9th May, 1865.]

1. Provisional orders in schedule confirmed.
2. Sums borrowed, &c., by Brighouse Improvement Commissioners to be considered as incurred under Local Government Act.
3. 35 Geo. 3, c. 75 (except section 48) repealed.
4. Act and 21 & 22 Vict. c. 98, to be read as one Act.
5. Short title, "The Local Government Supplemental Act, 1865."

SCHEDULE.

1. BRIDLINGTON.—Applying Lands Clauses Consolidation Act.
2. BRIGHOUSE.—Amending local Act.
3. BURNLEY.—Ditto.
4. HENLEY.—Ditto.
5. SHIPLEY.—Ditto, and extending borrowing powers of local board.
6. WALLINGFORD.—Repealing Local Act.
7. LLANGOLLEN.—Extending borrowing powers of local board.
8. ORMSKIRK.—Ditto.
9. SWANSEA.—Ditto.
10. TORMOHAM.—Ditto.
11. LOCKWOOD.—Altering boundaries of district.

CAP. XXV.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Derby, Ramsgate, Oswestry, Bury, Heap, Cockermouth, Matlock Bath, and Bromsgrove. [9th May, 1865.]

1. Provisional orders in schedule confirmed.
2. Annual payment to Matlock local board by Matlock bath local board for highway purposes.
3. This Act and 21 & 22 Vict. c. 98, to be read as one Act.
4. Short title, "The Local Government Supplemental Act, 1865 (No. 2)."

SCHEDULE.

1. DERBY.—Applying Lands Clauses Consolidation Act.
2. RAMSGATE.—Ditto.
3. OSWESTRY (Salop).—Ditto.
4. BURY (Lancashire).—Ditto.
5. HEAP (Lancashire).—Ditto.
6. COCKERMOUTH.—Ditto.
7. COCKERMOUTH.—Extending borrowing powers of Local Board.

8. MATLOCK.—Altering boundaries of district.

9. BROMSGROVE.—Ditto.

CAP. XXVI.

An Act to provide for Superannuation Allowances to Officers of Unions in Ireland. [26th May, 1865.

1. Guardians of any union in Ireland may, with consent of poor law board, grant superannuation allowances to officers whose whole time has been devoted to the service of the union, and who have become inefficient by reason of permanent infirmity or old age, not exceeding two-thirds of salary, and charge such allowance to the same account as such salary.

2. Allowance to be payable to such officer only, and not to be assignable nor chargeable with debts.

3. No officer to be entitled to allowance on the ground of age under sixty years, nor under twenty years' service.

4. No grant to be made without one month's previous notice to every guardian.

5. Words to be interpreted as defined by the Irish Poor Law Acts.

CAP. XXVII.

An Act for awarding Costs in certain Cases of Private Bills. [26th May, 1865.

Whereas it is expedient to empower committees of both Houses of Parliament on private bills to award costs in certain cases: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *When committee report "preamble not proved," opponents to be entitled to recover costs.*] When the committee on a private bill shall decide that the preamble is not proved, or shall insert in such bill any provision for the protection of any petitioner, or strike out or alter any provision of such bill for the protection of such petitioner, and further unanimously report, with respect to any or all of the petitioners against the bill, that such petitioner or petitioners has or have been unreasonably or vexatiously subjected to expense in defending his or their rights proposed to be interfered with by the bill, such petitioner or petitioners shall be entitled to recover from the promoters of such bill his or their costs in relation thereto, or such portion thereof as the committee may think fit, such costs to be taxed by the Taxing Officer of the House as hereinafter mentioned, or the committee may award such a sum for costs as they shall think fit, with the consent of the parties affected.

2. *When committee report unanimously "opposition unfounded," promoters to be entitled to recover costs. Proviso.*] When the committee on a private bill shall decide that the preamble is proved, and further unanimously report that the promoters of the bill have been vexatiously subjected to expense in the promotion of the said bill by the opposition of any petitioner or petitioners against the same, then the promoters shall be entitled to recover from the petitioners, or such of them as the committee shall think fit, such portion of their costs of the promotion of the bill as the committee may think fit, such costs to be taxed by the Taxing Officer of the House as hereinafter mentioned, or such a sum for costs as the committee shall name with the consent of the parties affected; and in their report to the House the committee shall state what portion of the costs, or what sum for costs, they shall so think fit to award, together with the names of the parties liable to pay the same, and the names of the parties entitled to receive the same: Provided always that no landowner, who *bona fide*, at his own sole risk and charge, opposes a bill which proposes to take any portion of the said petitioner's property for the purposes of the bill shall be liable to any costs in respect of his opposition to such bill.

3. *Costs to be taxed.*] On application made to the Taxing Officer of the House by such promoters or petitioners, or by their solicitors or parliamentary agents, not later than six calendar months after the report of such committee, and in cases where no sum shall have been named by the committee, with the consent of the parties affected, not until one month after a bill of such costs shall have been delivered to the party chargeable therewith, which bill shall be sealed with

the seal or subscribed with the proper hand of the parties claiming such costs, or of their solicitor or parliamentary agent, the Taxing Officer shall examine and tax such costs, and shall deliver to the parties affected, or either or any of them, on application, a certificate signed by himself expressing the amount of such costs, or in cases where a sum for costs shall have been named by the committee, with the consent as aforesaid, such sum as shall have been so named, with the name of the party liable to pay the same, and the name of the party entitled to receive the same, and such certificate shall be conclusive evidence as well of the amount of the demand as of the title of the party therein named to recover the same from the party therein stated to be liable to the payment thereof; and the party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same.

4. *Powers of taxing officer.*] All powers given to the taxing officer by the Acts 10 & 11 Vict. c. 69, and 12 & 13 Vict. c. 78, with reference to the examination of parties and witnesses on oath, and with reference to the production of documents, and with reference to the fees payable in respect of any taxation, shall be vested in the taxing officer for the purposes of this Act.

5. *Recovery of costs when taxed.*] The party entitled to such taxed costs, or such sum named by the committee, with such consent as aforesaid, or his executors or administrators, may demand the whole amount thereof, so certified as above, from any one or more of the persons liable to the payment thereof, and in case of nonpayment thereof on demand may recover the same by action of debt in any of her Majesty's courts of record at Westminster or Dublin, or by action in the court of session in Scotland. In such action it shall be sufficient, in England or Ireland, for the plaintiff to declare that the defendant is indebted to him in the sum mentioned in the said certificate; and the said plaintiff shall, upon filing the said declaration, together with the said certificate and an affidavit of such demand as aforesaid, be at liberty to sign judgment as for want of plea by *nil dicit*, and take out execution for the said sum so mentioned in the said certificate, together with the costs of the said action, according to due course of law: Provided always, that the validity of such certificate shall not be called in question in any court.

6. *Form of action in Scotland.*] In such action it shall be sufficient, in Scotland, for the pursuer to allege that the defender is indebted to him in the sum mentioned in the said certificate, under the like proviso in regard to the validity of the certificate.

7. *Persons paying costs may recover a proportion from other persons liable thereto.*] In every case it shall be lawful for any person from whom the amount of such costs or sum named by the committee with consent as aforesaid has been so recovered to recover from the other persons, or any of them, who are liable to the payment of such costs or sum named by the committee with consent as aforesaid, a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

8. *When committee report "preamble not proved," promoters to pay costs out of deposits.*] In any case in which the committee shall have reported that the preamble is not proved, and where, in accordance with the standing orders of either House of Parliament and of an Act 9 Vict. c. 20, a deposit of money or stock is made with respect to the application to Parliament for an Act, the money or stock so deposited shall be a security for the payment by the promoters of the bill for the Act of all costs or sums in respect of costs, if any, payable by them under this Act; and every party entitled to receive any costs or sum so payable shall accordingly have a lien available in equity for the same on the money or stock so deposited, and the lien shall attach thereon at the time when the bill is first referred to a committee of either House of Parliament; provided that where several parties have the lien for an amount exceeding in the aggregate the net value of the money or stock, their respective claims shall proportionately abate.

9. *Definition of promoters.*] When a bill is not promoted by a company already formed, all persons whose names shall appear in such bill as promoting the same, and in the event of the bill passing, the company thereby incorporated

shall be deemed to be promoters of such bill for all the purposes of this Act.

10. *Meaning of private bill.*] For the purposes of this Act the expression private bill shall extend to and include any bill for a local and personal Act.

11. *Commencement of Act.*] That this Act shall not take effect before the 1st day of November, 1865.

CAP. XXVIII.

An Act to authorize certain Payments out of the Land Revenues of the Crown to provide Compensation for certain Claims in the Isle of Man.

[26th May, 1865.

Preamble recites two Acts of Tynwald.

1. Commissioners of Woods, with consent of Treasury, may make certain payments out of land revenue to meet claims in second-recited Act of Tynwald.

CAP. XXIX.

An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-five.

[26th May, 1865.

1. Treasury may raise £1,000,000 by Exchequer Bonds towards making good the supply granted to her Majesty for the service of the year 1865, the Commissioners of her Majesty's Treasury at any time, not later than the 31st day of March, 1866, may cause any number of Exchequer Bonds to be made out for any sum of money not exceeding in the whole the sum of £1,000,000, such bonds to bear such interest as shall be determined by the said Commissioners, not exceeding four pounds per cent. per annum, and to be paid off at par at the expiration of any period not exceeding five years from the date of such bonds.

2. The interest on such bonds to be paid half-yearly out of the Consolidated Fund of the United Kingdom, and the principal monies out of such money as shall be provided by Parliament in that behalf.

3. The Commissioners of her Majesty's Treasury may cause or direct the Exchequer Bonds to be issued under the authority of this Act to be prepared for such principal sums, not less in any case than £100, together with receipts or certificates specifying the interest from time to time accruing thereon; and such Exchequer Bonds, and the interest accruing thereon respectively, shall be transferable by the delivery of such bonds, and of the receipts or certificates for such interest thereon respectively; and the said Commissioners may provide for the manner of payment of the interest accruing thereon, and also for the issue of new bonds in lieu of any such bonds worn or defaced which may be delivered up to be cancelled, and for the issue of new bonds in lieu of such Exchequer bonds as may be lost; and for the registration of any such bonds, and for the delivery of certificates of such registration in lieu thereof, which shall be transferable by entries in a register to be provided for that purpose.

4. Application of clauses 16, 17, 18, and 19, of 17 & 18 Vict. c. 23.

5. Money raised to be paid to the Consolidated Fund.

6. Exchequer Bonds may be delivered to persons authorized by the Treasury.

7. Bank of England may advance £1,000,000 on the credit of bonds, and Commissioners of National Debt may invest money on account of savings' banks in purchase of bonds.

CAP. XXX.

An Act to grant certain Duties of Customs and Inland Revenue.

[26th May, 1865.

1. Grant of duties specified in schedules annexed.

2. All the powers, provisions, clauses, regulations, allowances, and exemptions, forfeitures, pains, and penalties, contained in or imposed by former Acts, or, as regards the income tax, in force on the 5th day of April, 1865 (except as hereinafter provided), shall respectively be in full force and effect as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the rates and duties by this Act granted respectively: Provided always, that for the purposes of this Act the year 1862,

mentioned in the 42nd section of the Act 25 Vict. c. 22, shall be read as and deemed to mean the year 1865.

3. *The sums assessed to the income tax under schedules A and B for the year 1864 to be taken as the annual value for assessment under this Act.*] The sum charged as the annual value or amount of any property, profits, or gains in the several and respective assessments of income tax made in pursuance of the Act passed in the 27 Vict. c. 18, under schedules A and B respectively of the Act passed in 16 & 17 Vict. c. 34, for the year ended on the 5th day of April, 1865, shall (except as to railways and otherwise as provided by the Acts relating to income tax) be taken as the annual value or amount of such property, profits, or gains respectively for the year commencing on the 6th day of April, 1865, and the duties of income tax granted by this Act, and chargeable under the said schedules respectively, shall be computed, assessed, and charged according to such annual value or amount; and the commissioners executing the Income Tax Acts shall, for each place within their several and respective districts, cause duplicates of the said assessments of the said duties so computed, assessed, and charged under the said schedules A and B for the said last-mentioned year to be made out and delivered, together with warrants for collecting the same; and in England the said commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they the said commissioners shall think fit, to be collectors of the duties thereby charged, in like manner as if such person had been presented to them by assessors under the Acts now in force: Provided always, that the said assessments shall be subject to be increased in like manner as the assessments made for the year ended on the 5th day of April, 1865, and subject also to be abated or discharged at the end of the year commencing on the 6th day of April, 1865, for any cause allowed by the said Acts; provided that whenever it shall appear that any property, profits, or gains chargeable under the said schedules A and B respectively have not been charged by the assessments made for the year ended on the 5th day of April, 1865, such property, profits, and gains shall be assessed to the duties of income tax granted by this Act under the provisions of the said several Acts applicable thereto.

4. *Assessors not to be appointed for duties under schedules A and B.*] No assessors shall be appointed for the duties payable under the said schedules A and B, but the inspectors or surveyors of taxes shall act as assessors in respect of such duties whenever it shall be necessary; and in lieu of the poundage granted by the 183rd section of the Act of 5 & 6 Vict. c. 35, to be divided between the assessors and collectors in regard to the duties which shall be collected under the said schedules A and B, there shall be paid a poundage of three halfpence to the collectors of the said duties.

5. Power to increase number of commissioners for general purposes in certain cases.

6. *No reduction to be made unless profits of the year are proved less than the average of last three years.*] And whereas by section 133 of the Act of 5 & 6 Vict., provision is made for giving relief, by reduction of the assessment or repayment of duty, in certain cases where the profits of the year of assessment fall short of the sum on which the assessment has been made: Be it enacted, that no such reduction or repayment shall be made in any such case unless the profits of the said year of assessment are proved to be less than the profits for one year on the average of the last three years, including the said year of assessment; nor shall any such relief extend to any greater amount than the difference between the sum on which the assessment has been made and such average profits for one year as aforesaid.

SCHEDULES.

SCHEDULE (A),

Containing the duty of customs granted by this Act.

In lieu of the duties of customs now charged on tea, the following duties of customs shall, on and after the 1st day of June, 1865, until the 1st day of August, 1866, be charged thereon, on the importation thereof into Great Britain and Ireland—that is to say, tea, the pound, sixpence.

SCHEDULE (B),

Containing the stamp duties granted by this Act on fire insurance.

In lieu of the present duties there shall be charged the following duties—that is to say,

For every policy of assurance, whereby any insurance shall, on or after the 25th day of June, 1865, be made of or upon any building, goods, wares, merchandize, or other property, from loss or damage by fire only, the duty of one penny:

And for and upon any note or memorandum given as a receipt on the deposit of any sum of money preparatory to the making out any such policy as aforesaid, the duty of one penny:

And for and in respect of every such insurance as aforesaid, which shall be made, or continued or renewed, on or after the said 25th day of June, 1865, a duty of one shilling and sixpence for every £100 insured for a year, and at and after that rate for any fractional part of £100 insured, and for any fractional part of a year, as well as for any number of years for which the insurance shall be made, or continued or renewed; but no fraction of a penny shall be charged; and when any such insurance as aforesaid shall be made or renewed at any time between the 27th day of April, 1865, and the said 25th day of June for any period of time extending beyond the said last-mentioned day, there shall be charged and paid for and in respect of the time intervening between the making or renewing of the said insurance and the said 25th day of June, the yearly percentage duty at and after the rate chargeable on the 27th day of April, and for and in respect of any subsequent period, including the said 25th day of June, the rate of duty chargeable according to this Act; and no return or allowance of duty, except at and after the last-mentioned rate, shall be made in respect of time unexpired or otherwise, on any such insurance as aforesaid, which shall have been made or renewed before the 27th day of April, 1865.

SCHEDULE (C),

Containing the rates and duties of Income Tax granted by this Act.

For one year, commencing on the 6th day of April, 1865, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in 16 & 17 Vict. c. 34, for granting to her Majesty duties on profits arising from property, professions, trades, and offices, the following rates and duties shall be charged—that is to say,

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under schedule B of the said Act), the rate or duty of fourpence:

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule B of the said Act, for every twenty shillings of the annual value thereof—

In England the rate or duty of twopence:

And in Scotland and Ireland respectively the rate or duty of one penny halfpenny:

Subject to the provisions contained in section 3 of the Act 26 Vict. c. 22, for the exemption of persons whose whole income from every source is under £100 a-year, and relief of those whose income is under £200 a-year.

CAP. XXXI.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing-street and the Approaches thereto. [2nd June, 1865.]

Preamble recites 18 & 19 Vict. c. 95, 22 Vict. c. 19, 24 & 25 Vict. c. 33, 24 & 25 Vict. c. 88, 25 & 26 Vict. c. 74.

Preliminary.

1. This Act may be cited for all purposes as "The Public Offices Act, 1865."

Incorporation of Commissioners.

2. Incorporation of Commissioners of Works for purposes of Act.

Acquisition of Site.

3. *Description of purposes of Act.*] The purposes of this Act are the acquisition of additional lands for the site of the public offices aforesaid and the approaches thereto, and the constructing and doing such works and things as are con-

ducive to the attainment of the above purposes, or any of them or incidental thereto.

4. *Power of Commissioners to purchase lands.*] The Commissioners may, out of any monies placed at their disposal by Parliament for that object, purchase, take, and use for the purposes of this Act all or any of the prescribed lands.

5. Commissioners to make good to parishes of St. Margaret and St. John the Evangelist deficiencies in rates.

6. Power to Commissioners to enter upon lands.

7. 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated, except—

(1.) There shall not be incorporated with this Act the sections 16 and 17 of "The Lands Clauses Consolidation Act, 1845."

(2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be the "Special Act," and the Commissioners shall be deemed to be "the promoters of the undertaking."

(3.) The term "sheriff" used in the provisions of the "Lands Clauses Consolidation Act, 1845," relating to the reference to a jury, shall be deemed to apply to the high bailiff of the city and liberty of Westminster or his deputy.

(4.) The bond required by section 85 of the "Lands Clauses Consolidation Act, 1845," shall be under the common seal of the commissioners, and shall be sufficient without the addition of the sureties in the said section mentioned.

8. *Extinction of rights of way and other easements.*] Upon the purchase by the commissioners of the prescribed lands or any part thereof (save as hereinafter provided), all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or easements in or relating to such land or part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the commissioners, subject to this provision, that all persons and bodies of persons, corporate or unincorporate, may recover from the commissioners such compensation, if any, as they may be entitled to for any rights or property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

9. *As to claims for compensation by yearly tenants.*] All claims for compensation made upon the commissioners under the provisions of this Act, or any Act incorporated herewith, shall, if the person claiming to be entitled to compensation has no greater interest than as tenant for a year, or from year to year, in the lands in respect of which the compensation is claimed, be determined in manner provided by the 121st section of "The Lands Clauses Consolidation Act, 1845."

10. *Limit for compulsory purchases.*] The limit for the compulsory purchase of lands under this Act shall be five years.

11. The Commissioners may execute works.

12. Saves rights of Metropolitan Board of Works.

13. *Buildings exempt from 18 & 19 Vict. c. 122.*] All buildings erected on the prescribed lands shall be exempt from the operation of the first part of "The Metropolitan Buildings Act, 1855."

Miscellaneous.

14. No Purchase to be made without the authority of the Treasury.

15. Authentication of notices.

16. Land purchased vested for the public service, subject to provisions of 15 & 16 Vict. c. 28.

17. Contracts made by first commissioner of works to be valid.

18. Monies payable to the commissioners to be paid to her Majesty's Paymaster-General.

19. *Orders concerning money paid into court may be made at chambers.*] All orders which under this Act the Court of Chancery is empowered to make on motion or petition in relation to any money paid into the Bank of England with the privy of the Accountant-General of the Court of Chan-

cery under this Act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities, or the costs of any application, may be made by any judge of the said court upon application to him while sitting at chambers upon summons, in like manner as in other cases in which proceedings may be so had, subject nevertheless to any general orders which may hereafter be made concerning the practice, proceedings, or business of the said court on any such applications.

20. Penalty for obstructing commissioners.

21. Deeds not liable to stamp duty.

22. *Deeds to be enrolled in Court of Exchequer.*] Every conveyance, assignment, or other deed or instrument whereby any land by this Act authorized to be purchased is conveyed or assigned to the commissioners for the purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer and entered in the books of the said commissioners, and every such conveyance, assignment, or other deed or instrument, when so enrolled, shall, without any other enrolment or acknowledgment thereof, and without any registry thereof, be good and available in law, any Act of Parliament, law, practice, or usage to the contrary in anywise notwithstanding.

23. Plan to be deposited in the office of works, and to be open for inspection.

CAP. XXXII.

An Act to enable the Secretary of State in Council of India to acquire additional Lands for improving the Site of the India Office and the Approaches thereto.

[2nd June, 1865.

Preamble recites 27 & 28 Vict. c. 51.

1. This Act may be cited for all purposes as "The India Office Site and Approaches Act, 1865."

2. Power to Secretary of State in council to purchase lands.

3. Lands purchased to vest in her Majesty.

4. Lands to continue subject to land tax and rates.

5. Power to enter on lands.

6. 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated; except

(1.) There shall not be incorporated with this Act the sections 16 and 17 and provisions of "The Lands Clauses Consolidation Act, 1845."

(2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be "the special Act," and the said incorporated Acts shall be read as if the expression "the promoters of the undertaking" were in the singular number, and the Secretary of State in council shall be deemed and taken to be the promoter of the undertaking;

(3.) The term "sheriff" used in the provisions of "The Lands Clauses Consolidation Act, 1845," relating to the reference to a jury, shall be deemed to apply to the high bailiff of the city and liberty of Westminster or his deputy;

(4.) The bond required by section 85 of "The Lands Clauses Consolidation Act, 1845," shall be under the hand and seal of the Secretary of State in council, and shall be sufficient without the addition of the sureties in the said section mentioned.

7. *Extinction of rights of way and other easements.*] Upon the purchase by the Secretary of State in council of the prescribed lands or any part thereof, save as hereinafter provided in section 11 of this Act, all rights of way, rights of laying down or continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or easements in or relating to such lands or part thereof, shall be extinguished, and all the soil of such ways and the property in the pipes, sewers, or drains, shall vest in her Majesty, her heirs and successors, for the service of the Government of India, subject to this provision, that all persons and bodies of persons, corporate or unincorporate, may recover from the Secretary of State in council such compensation, if any, as they may be entitled to for any rights or property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845."

8. *Compensation in case of tenants at will, &c.*] All claims for compensation made upon the Secretary of State in council under the provisions of this Act, or any Act incorporated herewith, shall, if the person claiming to be entitled to compensation has no greater interest than as tenant for a year or from year to year in the lands in respect of which the compensation is claimed, be determined in manner provided by the 121st section of "The Lands Clauses Consolidation Act, 1845."

9. *Powers for compulsory purchases limited.*] The period within which the powers for the compulsory purchase of lands under this Act may be exercised shall be five years from the passing of this Act.

10. The Secretary of State in council may execute works.

11. Saves rights of Metropolitan Board of Works.

12. *Exemption from Building Act.*] All buildings erected on the prescribed lands shall be exempt from the operation of the first part of "The Metropolitan Buildings Act, 1855."

13. Authentication of notices.

14. *Orders concerning money paid into court may be made at chambers.*] All orders which, under this Act, the Court of Chancery is empowered to make on motion or petition in relation to any money paid into the Bank of England with the privy of the Accountant-General of the Court of Chancery under this Act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities, may be made by any judge of the said court upon application to him while sitting at chambers, upon summons, in like manner as in other cases in which proceedings may be so had; subject, nevertheless, to any general orders which may hereafter be made concerning the practice, proceedings, or business of the said court on any such applications.

15. Penalty for obstructing the Secretary of State in council.

16. Plan to be deposited in India Office, and to be open for inspection.

CAP. XXXIII.

An Act to repeal the Act of the Parliament of Ireland of the Sixth Year of Anne, Chapter Eleven, for explaining and amending the several Acts against Tories, Robbers, and Rapparees.

[2nd June, 1865.

Whereas it is expedient to repeal the laws now in force under which poor people in Ireland are sentenced to penal servitude for the offence of vagrancy: Be it enacted, &c.:

1. 6 Anne, c. 11 (I.), repealed.

2. Grand juries not to present persons as vagrants.

3. This Act to be called "The Vagrancy, Ireland, Amendment Act, 1865."

4. Section 7 of 50 Geo. 3, c. 102, repealed.

CAP. XXXIV.

An Act to make the Metropolitan Houseless Poor Act perpetual.

[2nd June, 1865.

Preamble recites 27 & 28 Vict. c. 116.

1. Provision of recited Act extended to relief after Lady Day, 1865. Sect. 6 repealed.

2. Poor Law Board to have wards inspected, and may revoke and renew certificate.

3. *Allowance may be made for providing wards.*] The said board may allow for the costs and expenses referred to in the fourth sections of that Act, when they shall see fit to do so, a sum or several sums in gross instead of a sum in respect of each pauper as therein provided.

4. *Power to Police to provide for temporary relief.*] Any constable of the metropolitan police or of the police of the City of London may personally conduct any destitute wayfarer, wanderer, or foundling, or other destitute person, not having committed or being charged with any offence punishable by law, within the knowledge of such constable, to any wards or other places of reception approved of by the poor law board under the said Act or this Act; and every such wayfarer, wanderer, or foundling shall, if there be room in such wards or other places of reception, be temporarily relieved therein.

5. *Hours during which wards shall be opened for admission.*] The wards or places or reception provided under the said Act shall be open for the admission of destitute wayfarers, wanderers, and foundlings, or other destitute persons, who shall apply to be admitted during the hours between six o'clock in the evening and eight in the morning in the months between October and March inclusive, and during the hours between eight o'clock in the evening and eight o'clock in the morning in the months between April and September inclusive, and the Guardians shall be entitled to be reimbursed for all relief administered in conformity with the provisions of that Act during those hours respectively.

6. This Act may be cited for all purposes as "The Metropolitan Houseless Poor Act, 1865."

CAP. XXXV.

An Act to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs.

[2nd June, 1865.

1. Short title, "The Police Superannuation Act, 1865."
2. Short titles of certain Police Acts, 3 & 4 Vict. c. 88, "The Police Act, 1840;" 19 & 20 Vict. c. 69, "The Police Act, 1856;" 22 & 23 Vict. c. 32, "The Police Act, 1859."
3. Amendment of section 11 of 3 & 4 Vict. c. 88, section 10 of 19 & 20 Vict. c. 69, and sections 9 & 10 of 22 & 23 Vict. c. 32. Where the said Acts authorize a grant to be made to a constable of a superannuation or retiring allowance or a gratuity, the authority having power to grant such allowance or gratuity may, in lieu thereof, grant an annual allowance for a limited time, to be fixed by such authority, and to be determined on the death of the annuitant before the expiration of the time fixed. Provided that where an allowance for a limited time is granted to a constable who has served for fifteen years or more, it shall be granted on the same scale as if it were a permanent superannuation or retiring allowance, and if at the expiration of the limited time the annuitant is incapable from infirmity of mind or body of discharging the duties of a constable, or has attained the age of sixty years, the allowance granted to him for a limited time only shall be continued during the remainder of his life. Provided also, that where a person to whom an annual allowance for a limited time has been granted under this section is reappointed to the office of constable, the time during which he was in receipt of such allowance shall, for the purpose of any subsequent superannuation allowance, be reckoned as service in the force.

4. Head constable included in provisions of 22 & 23 Vict. c. 32.

5. Nothing to prevent dismissals without retiring allowances.

6. Parts of Lincolnshire to be one county for purposes of service in police so long as county continues under one chief constable.

7. *Appointment of joint committee.*] Whereas no provisions are contained in the said "Police Act, 1859," as to the mode of appointing the joint committee mentioned in the said twenty-second section. Be it enacted that the said joint committee shall consist of twenty-eight magistrates, to be appointed from time to time by the courts of quarter sessions of the peace of the said three divisions respectively, when and so often as the said courts of quarter sessions think fit, in the proportions following—that is to say, fourteen magistrates for the parts of Lindsey, eight magistrates for the parts of Kesteven, and six magistrates for the parts of Holland, and three members of such joint committee shall constitute a *quorum*, and be competent to act; and it shall be lawful for the said joint committee from time to time to make, and afterwards to alter, such regulations for their proceedings, and for the investment, management, and administration of the said joint fund, and for the granting and payment of pensions and gratuities thereout, as to them may seem just and reasonable; which regulations, as also any alteration thereof, when approved by the respective quarter sessions of the peace of the said three parts or divisions, shall be binding and conclusive upon all parties.

If the Court of Quarter Sessions for any one or more of the said divisions at any time neglect or refuse to appoint magistrates to act upon the said joint committee, the magistrates appointed by the court or courts of quarter sessions of the other or others of the said divisions shall be fully competent to act as such committee.

8. If at any time hereafter the police force for the county of Lincoln ceases to be under the direction of one chief constable for the three divisions of that county, the common superannuation fund to be divided amongst the three divisions of the county in proportion to the number of police serving in each division. Such apportionment to be filed among the records of the quarter sessions.

9. Constable of Brighton, who has also served as a "watchman," to be allowed, on certain terms, the period of such service.

CAP. XXXVI.

An Act to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases.

[2nd June, 1865.

1. Short title, "The County Voters' Registration Act, 1865." Act to be construed with and as part of the 6 & 7 Vict. c. 18, hereinafter termed "the principal Act."

2. *Clerk of peace to deliver precept to overseers of poor on or before 10th June in every year.*] The clerk of the peace shall, on or before the 10th day of June in every year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept according to the form No. 1 in schedule A to this Act, instead of the precept numbered 1 in schedule A to the principal Act, together with the forms of notices, list, and copies of registers in the principal Act mentioned.

3. *Overseers to publish register.*] The clerk of the peace of every county shall, together with the precept, transmit to the overseers of every parish or township within such county a sufficient number of copies of the part or parts of the register relating to such parish or township; and the overseers of the poor of every parish and township shall, on or before the 26th day of June in every year, and at the same time with the publication of the notice mentioned in the 4th section of the principal Act, publish a copy of the register then in force relating to their parish or township, and shall remove the same after a period including two Sundays at least, and not later than the 20th day of July.

4. 20th August last day for giving notices of objection.

5. 1st September last day for delivery of papers to clerk of peace.

6. Grounds of objection to be specified in notice. Notice may be in form 2 in schedule A.

7. *Person objected to only required to give evidence in support of his right to vote, &c.*] No person objected to under the provisions of this Act shall be required to give evidence before the revising barrister in support of his right to be registered, otherwise than as such right shall be called in question in such ground or grounds of objection.

8. *Each ground of objection to be treated by revising barrister as a separate objection.*] Every separate ground of objection shall be treated by the revising barrister as a separate objection; and for every ground of objection which, in the opinion of the revising barrister, shall have been groundlessly, or frivolously and vexatiously stated in a notice of objection, he shall, on the application of the person objected to, or any one on his behalf, and upon production of the notice of objection, award costs against the objector to the amount at least of two shillings and sixpence, and this, though the name of the person objected to be expunged upon some other ground of objection stated in the same notice of objection.

9. Section 100 of principal Act to apply to objections.

10. *Persons changing their place of abode, and persons objected to, may make declarations.*] Any person whose name appears on the list of voters then in force, and whose then place of abode is not correctly stated in the said list, or who shall have received a notice of objection grounded on the second column of the list, and who shall have possessed, on the last day of July, the same qualification in respect of which his name has been inserted on the list, may, if he think fit, make and subscribe a declaration before any justice of the peace, or any commissioner or other person authorized to administer oaths in any of her Majesty's superior courts at Westminster, in the form contained in schedule (B) to this Act, or to the like effect; and all such declarations shall be duly dated, and shall, on or before the 14th day of September, be transmitted to the clerk of the

peace; and it shall be the duty of the clerk of the peace to indorse on every such declaration the name of the polling district, and of the parish or township, in which the qualification to which the declaration relates is situate, and the name of the person making the declaration, and also the date on which he has received the same, and to affix his initials to such last-mentioned indorsement, and to deliver all such declarations to the revising barrister at his first court, arranged under the heads of the several polling districts according to the alphabetical order of the parishes and townships; and every revising barrister shall, for the purpose of correcting the statement in the list of the place of abode of such person, receive any such declaration as evidence, to be used in court at the proper time, if transmitted to the clerk of the peace on or before such last-mentioned day, of which the indorsement in that behalf by the clerk of the peace shall be *prima facie* proof, and if purporting to be subscribed before a justice of the peace or commissioner or other person authorized as aforesaid, without proof of the signature of the person subscribing the same, or of the justice, commissioner, or person before whom the same purports to have been subscribed, unless he shall have good reason to doubt the genuineness of any signature thereto; and all such declarations may be perused by any person at the office of the clerk of the peace, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, before the 20th day of September; and the clerk of the peace shall deliver copies of any such declaration to all person applying for the same, on payment of the price of fourpence per folio of seventy-two words.

11. Penalty for falsely signing such declaration to be fine or imprisonment for any term not exceeding one year.

12. *As to time for revision of county lists.* No court shall be holden by a revising barrister for the revision of the lists of any county before the 20th day of September in any year.

13. *Orders for costs.* Every order for costs by a revising barrister, whether revising the lists of a county, city, or borough, in the case of any objection, shall be made before his proceeding to hear any objection stated in any other notice of objection, and such order may be delivered either to the person to whom the costs shall therein be ordered to be paid, or to some other person on his behalf: Provided always that this section shall not be taken to repeal the last proviso contained in the forty-sixth of the principal Act.

14. Such costs in no case to exceed £5.

15. *Revising barrister to read out names expunged and inserted.* It shall be the duty of every revising barrister, whether revising the lists of a county, city, or borough, before signing any page of any list, as required by section 41 of the principal Act, to read out audibly in open court the names expunged and inserted by him therein, and all corrections and insertions made by him.

16. *Power to remove persons from court who interrupt proceedings.* It shall be lawful for any revising barrister, whether revising the lists of a county, city, or borough, to order any person to be removed from this court who shall interrupt the business of the court, or refuse to obey his lawful orders in respect of the same; and it shall be the duty of the chief constable, commissioner, or chief officer of police of the county, city, borough, or place in which the court is held, to take care that an officer of police do attend that court during its sitting, for the purpose of keeping order therein, and to carry into effect any order of the revising barrister as aforesaid.

17. Word "value" to mean "amount of rental."

SCHEDULES to which this Act refers.

SCHEDULE (A.)

No. 1.

PRECEPT of the CLERK of the PEACE to the OVERSEERS.

County of) To the overseers of the poor of the parish
to wit. } of — [or of the township of —].

In pursuance of the provisions of the Acts of Parliament in that behalf, I require your attention to the following

INSTRUCTIONS.

On or before the 20th day of June you are to publish

one of the copies of the register for your parish [or township] herewith sent, together with a notice, signed by you, according to the form marked No. 2 among the printed forms herewith sent.

The manner in which you are required to publish that register and notice is as follows (that is to say): you are to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every church or public chapel in your parish or township, including chapels which do not belong to the Established church, or if there should be no such church or chapel, then in some public or conspicuous situation in your parish [or township], and it must remain there during a period including two Sundays at least, and not later than the 20th day of July.

On or before the last day of July you are to make out an alphabetical list of all persons who, on or before the 20th day of July, shall have delivered or sent to you their claims as voters for the county [riding, &c.] in which your parish [or township] lies, in respect of any property situate wholly or in part within your parish [or township]; and in making out such list you are to write or cause to be written, in the proper column of the printed form of list (herewith sent) numbered 3, the Christian name and surname of every such person, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupier, accordingly as the same shall be stated in the claim. If you have reasonable cause to believe that any person so claiming, or any person whose name shall appear in the copy of the register for your parish [or township] herewith sent, is not entitled to have his name on the new register about to be made, you are to add the word "objected" before his name in the margin of the copy of the register or list in which his name appears, and you are also to add the word "dead" before the name of any person whom you shall have reasonable cause to believe to be dead. Having done this, you are to sign the list of claimants and also one of the copies of the register herewith sent, and to cause a sufficient number of copies of such lists to be written or printed, and then, on or before the 1st day of August, you are to publish the said register and lists, with your marginal additions, on every church and chapel in your parish [or township] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of the list of claimants and of the said register sent to you, with your marginal additions thereon, signed by you, and to allow them to be perused by every person desirous of perusing them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after you have published them, without payment or demand of any fee; and you are also to deliver copies of the list of claimants and of the said register, signed by you, to every person applying for the same, on payment of a price for such copy after the rate contained in the table marked schedule D, No. 1, herewith sent.

You are to make out a list according to the form numbered 6 (herewith sent), containing the name of every person against whom a notice of objection shall have been given to you or any one of you, on or before the 20th day of August; and you are to publish copies of such lists on or before the 1st day of September on every church and chapel in your parish or township, in the same manner as before mentioned with regard to the notice; and you are to keep a copy of such list of persons objected to, to be perused by any person, without payment or fee, at any time between the hours of ten of the clock in the forenoon, and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September, both inclusive; and you are to deliver a copy of such list to any person requiring the same, on payment of a price for such copy after the rate contained in the table marked schedule (D.) No. 1, herewith sent.

And if you shall find any such notice, list, register, or other document published by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same effect in its place.

On or before the first day of September you are to deliver to the clerk of the peace of the county [riding, &c.] wherein your parish [or township] is situate, the list of claimants, the copy of the part of the register (herewith sent), and also a copy of the list of persons objected to, signed by you.

You are to attend the court to be holden by the barrister appointed to revise the lists relating to your parish [or town-

ship], of the time and place of holding which notice will be sent to you; and you are there to deliver to the barrister holding such court the original notices of claim and original notices of objection given to you as aforesaid.

Herein if you fail you will be liable to the penalties in that case provided. Given under my hand, this — day of —. Clerk of the peace for the county of —.

No. 2.

NOTICE OF OBJECTION to be given to parties already on register objected to by any person other than overseers and to the occupying tenant of the qualifying property, where notice is required to be given to the occupying tenant.

To Mr. —, of — [here insert the name and place of abode of the person objected to as described in the list, and in the case of notice to the tenant of the qualifying property insert his name and place of abode as described in the list].

Take notice that I object to your name [in the notice to the tenant instead of the words "your name," insert the name of the person objected to] being retained in the [here insert the name of the parish] list of voters for the county of — [or for the — Riding, &c.]

And I ground my objection,
on the 1st column of the register,
or on the 2nd column,
or on the 3rd column,

and the objection relates

to the nature of your interest [in the notice to the tenant instead of the words "your interest," insert "the interest of" here insert the name of the person objected to], in the qualifying property;

or to the value of the qualifying property;

or on the 4th column.

Dated this — day of — One thousand eight hundred and —.

Signed A.B. of [place of abode],
on the register of voters for
the parish of —.

SCHEDULE (B.)

FORM OF DECLARATION by voter as to his place of abode.

I A.B. of [place of abode], on the list of voters for the parish [or township] of —, in the county [or riding or division of the county] of —, do solemnly and sincerely declare, that I possessed, on the last day of July now last past, the same qualification in respect of which my name has been inserted in such list, and that my true place of abode is now —.

(Signed)

A. B.

Place of abode.

Made and subscribed
before me the — day of — in the year —.

C.D.

[Signature of justice, &c.]

[Statement of his quality, as justice, &c.]

CAP. XXXVII.

An Act to make better provision respecting the transaction of County business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain proceedings of the said County. [2nd June, 1865.]

CAP. XXXVIII.

An Act to authorize the alteration of the time for holding Statutory Meetings of Commissioners of Supply in Scotland. [19th June, 1865.]

CAP. XXXIX.

An Act to authorize the Inclosure of certain Lands in pursuance of a report of the Inclosure Commissioners for England and Wales. [19th June, 1865.]

CAP. XL.

An Act to extend to the Court of Chancery of the County Palatine of Lancaster certain of the provisions of an Act passed in the Session holden in the Twenty-third and Twenty-fourth years of Her present Majesty, intituled an Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in settlements, Mortgages, and Wills. [19th June, 1865.]

The words "the Court of Chancery" in the Twenty-seventh section of the 23 & 24 Vict. c. 145, to be deemed to extend to and include the Court of Chancery of the County Palatine of Lancaster.

CAP. XLI.

An Act to enforce certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Sheffield, Bradford, and Gloucester. [19th June, 1865.]

CAP. XLII.

An Act for facilitating the Annexation of Tithes to District Churches. [19th June, 1865.]

Preamble, reciting 1 & 2 Will. 4, c. 45.

1. Short title of Act, "The District Church Tithes Act, 1865."

2. Definition of terms, "District Church," "District," and "Tithes."

3. Powers to rectors or vicars to sell tithes to district church. [The rector or vicar for the time being of any rectory or vicarage may agree with the incumbent of any district church, either wholly or in part, situate within the limits or original limits of the said rectory or vicarage, to annex to such district church the tithes or part of the tithes belonging to such rectory or vicarage, and arising in respect of property situate within the district belonging to such district church, in consideration of a sufficient compensation being made to the said rector or vicar and his successors for the loss of the said tithes out of the endowments of the said district church, or by some other means.]

4. Assents required to agreement. [No agreement shall be valid on the part of a rector or vicar under this Act unless it be assented to, firstly, by the archbishop or bishop of the diocese within which his rectory or vicarage is situate, or if it be situate within a peculiar jurisdiction belonging to an archbishop or bishop by such last-mentioned archbishop or bishop, and, secondly, by the patron of the rectory or vicarage; and no agreement shall be valid on the part of the incumbent of a district church except with the consent of the patron of such church, and with the approval of the ecclesiastical commissioners for England where the compensation to be made to the rector or vicar is payable out of funds in the hands of the said commissioners, and of the governors of the bounty of Queen Anne for the augmentation of the maintenance of poor clergy where the compensation to be made is payable out of funds in the hands or subject to the control of the said governors.]

5. Any agreement under this Act between a rector and vicar and an incumbent of a district church, to be in writing under their respective hands.

6. Assents how testified. [Any assents required by this Act may be testified by the assenting party executing the agreement between the rector or vicar and the incumbent of the district church, and the provisions of the above-mentioned Act, and of the 17 & 18 Vict. c. 84, as to patrons of benefices shall apply to the assent of patrons under this Act.]

7. Persons and bodies corporate empowered to give lands or goods for the purposes of this Act.

8. Agreement to be carried into effect by order in council.

9. Where tithes belong to incumbent of district church ecclesiastical commissioners may declare church to be either a rectory or vicarage.

CAP. XLIII.

An Act to provide for the security of property of Married Women separated from their Husbands in Ireland. [19th June, 1865.]

Similar provisions to those in force in England.

CAP. XLIV.

An Act for confirming a Provisional Order made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne. [19th June, 1865.]

CAP. XLV.

An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto. [19th June, 1865.]

1. From and after December, 31, 1865, all fees payable in superior courts, specified in schedule 1, to be collected by stamps.

2. Stamps to be impressed or adhesive.

3. General rules to be made by Treasury.
4. Documents not properly stamped to be invalid.
5. Nothing to interfere with powers of treasury, &c., for alteration of fees, &c.
6. Salaries &c., to be paid out of money received for stamps, and surplus carried to consolidated fund.
7. Accounts to be laid before Parliament.
8. Repealing clause of Acts named in schedule 2.
9. Short title, "Common Law Courts (Fees) Act, 1865."

THE FIRST SCHEDULE.

15 & 16 Vict. c. 73, s. 10. (7 Will. 4, and 1 Vict. c. 30. 18 & 19 Vict. c. 126, s. 20.)	The superior courts, and their several offices, judges' chambers, and clerks of assize acting as associates on circuits.
6 & 7 Vict. c. 20, s. 15. (23 & 24 Vict. c. 54.)	
17 & 18 Vict. c. 36, ss. 3, 4, 5.	Crown Office, Queen's Bench.
3 & 4 Will. 4, c. 74, s. 89. 5 & 6 Will. 4, c. 82, s. 6. 13 & 14 Vict. c. 75. (17 & 18 Vict. c. 75.)	Registration of Bills of sale, Queen's Bench.
20 & 21 Vict. c. 57—as to England.	Registration of certificates, &c., of acknowledgments of deeds of married women, &c., common pleas.
25 & 26 Vict. c. 67, s. 36. 25 & 26 Vict. c. 96.)	
1 & 2 Vict. c. 110, s. 19. 2 & 3 Vict. c. 11, ss. 2, 4, 7, 8, 9. 13 & 14 Vict. c. 75. 18 & 19 Vict. c. 15—as to common pleas.	Registration of judgments, Crown debts, &c., common pleas.
23 & 24 Vict. c. 115, s. 2. (3 & 4 Vict. c. 82. 13 & 14 Vict. c. 35, s. 17. 16 & 17 Vict. c. 17, ss. 195-7—as to England.	
22 & 23 Vict. c. 35, s. 22. 23 & 24 Vict. c. 38, s. 4. 24 & 25 Vict. c. 134, s. 213. 25 & 26 Vict. c. 89, s. 114.) 27 & 28 Vict. c. 112, s. 3. 5 & 6 Vict. c. 86, s. 4. (22 & 23 Vict. c. 21, ss. 1-4.)	Queen's Remembrancer's Office.

THE SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
5 & 6 Vict. c. 86 ...	An Act for abolishing certain Offices on the Revenue Side of the Court of Exchequer in England, and for regulating the Office of her Majesty's Remembrancer in that court.	Section 5.
6 & 7 Vict. c. 20 ...	An Act for abolishing certain Offices on the Crown side of the Court of Queen's Bench, and for regulating the Crown Office.	Section 12.
13 & 14 Vict. c. 75.	An Act to regulate the Receipt and Amount of Fees receivable by certain Officers in the Court of Common Pleas.	Section 1.
15 & 16 Vict. c. 73.	An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius in the Superior Courts of Common Law, and for the payment of such Officers and of the Judges' Clerks by Salaries, and to abolish certain Officers in those Courts.	Sections 14 and 29.

CAP. XLVI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[19th June, 1865.]

CAP. XLVII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

[19th June, 1865.]

CAP. XLVIII.

An Act to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other purposes.

[19th June, 1865.]

1. Short title, "The Courts of Justice Building Act, 1865."

2. *Definition of terms.* "The Treasury" shall mean the Commissioners of her Majesty's Treasury for the time being, or any two or more of them.

"Suitors" shall mean and include not only suitors in courts, but also all persons proving wills or conducting business in any of the courts or offices to be accommodated in the said new buildings other than and except suitors in the Court of Chancery.

"Compensation Allowances" shall mean and include not only the compensation allowances charged on or payable partly or wholly out of the "Surplus Interest Fund" or the interest or dividends thereof, or other funds in Chancery, and existing at the time of the passing of this Act, but also the salaries payable to the abolished masters in chancery and their clerks, and to the master of the reports.

3. Advances to be made by the Paymaster-General, not exceeding in the whole £1,500,000.

4. Plan of building and arrangements for care and maintenance of the building, to be determined on by the Treasury with the advice and concurrence of such persons as her Majesty shall think fit to authorize in that behalf.

5. Repayments to the account of the Paymaster-General to be carried to and be made part of the Consolidated Fund.

6. *Mode of repayment of advances to Consolidated Fund.* For the purpose of securing the repayment of the advances to be made under the provisions of this Act, other than those to be granted as the estimated value of the present courts and offices as hereinafter provided, there shall be contributed a sum not exceeding £1,300,000 cash, as follows:—

First, £1,000,000 £3 per Cent. Stock, out of the £3 per Cent. Consolidated Annuities, and out of the £3 per Cent. Reduced Annuities, now standing in the books of the Bank of England to the credit of an account intitled "Account of Securities purchased with Surplus Interest arising from Securities carried to Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery, which Account is herein called 'The Surplus Interest Fund.'"

And, secondly, a contribution in the nature of a redemption annuity, payable for a term not exceeding fifty years, to be raised by fees to be imposed, as hereinafter directed, on suitors and on processes in the courts and offices to be accommodated in the said new buildings other than the Court of Chancery, equivalent to the residue of the said advances, with interest thereon.

7. £200,000 to be contributed out of money to be provided by Parliament as the value of courts and offices transferred, and of relief from rent, to the public.

8. £1,000,000 Stock to be contributed by the surplus interest fund.

9. Residue of the advances, with interest, to be repaid, and to be deemed to be discharged, by a contribution to be levied on the suitors (other than those of the Court of Chancery) using the said buildings, in the nature of a redemption annuity calculated at four pounds per centum per annum on the amount of such residue, and payable for a term not

exceeding fifty years, such term to commence from the period when any part of such buildings shall be used for the transaction of the business of such suitors, the commencement of such period to be announced in the *London Gazette* by the direction of the Treasury.

10. *Mode of ascertaining amount chargeable on the suitors.*] The amount of such residue to be ascertained by adding to the principal money payable by them interest from the time of the respective advances up to the commencement of the said term, at the rate of three pounds five shillings per centum per annum, such being the rate at which the said redemption annuity of four pounds per centum has been calculated.

11. The suitors (other than those of the Court of Chancery) to contribute in proportion, as far as may be, to the extent of the use made by them of the buildings erected in pursuance of the said Building Act.

The proportion in which the suitors are to contribute to be determined by the Treasury.

12. The contribution of the suitors under this Act shall be levied by means of a separate fee, hereinafter called the Rent of Courts Fee, to be collected by stamps, to be impressed on or affixed to such documents in use in each court or office to be accommodated in the said new buildings, and to be of such amounts as may be from time to time determined by the Treasury with the consent of the Lord Chancellor, together with the chief judge of each of the superior courts of common law, or any one of such chief judges, and of such other persons as her Majesty, by order in council, may direct; and all the provisions of any Act of Parliament relating to the fees levied in any court in which the Rent of Courts Fee is collected, and relating to the stamps for collecting such fees, shall apply to the Rent of Courts Fee payable under this Act.

The net produce of such Rent of Courts Fee to be paid by the Commissioners of Inland Revenue to the credit of the aforesaid account of the Paymaster-General.

13. Paymaster-General to keep and annually make up an account of the monies due and paid in respect of the said redemption annuity, and of the net produce received by him in respect of such Rents of Courts Fee, and of all other payments (if any) made on account of such redemption annuity; and the said fees imposed in respect of such Rent of Courts Fee may be from time to time revised and varied so that the produce thereof may satisfy the amount payable from time to time in respect of the said redemption annuity; but if in any year there shall have been an excess in the said receipts beyond the amount due for such annuity, such excess is to be invested and accumulated, and applied at such periods as the Lord Chancellor and the Treasury shall from time to time determine in satisfying and redeeming so much of the said annuity as it shall, at the rates aforesaid, and having regard to the length of term unexpired, be sufficient to discharge and redeem.

This account shall be annually laid before Parliament.

14. As soon as such redemption annuity shall have been satisfied as aforesaid the Rent of Courts Fee shall cease to be levied.

15. The Treasury may from time to time make regulations with respect to the mode of making and replacing the advances required to be for the purposes of this Act, and with respect to all other matters necessary to carry this Act into effect.

16. Chancery compensations may be redeemed or paid out of the capital of court funds.

17. Indemnity against loss by appropriation of surplus interest fund.

18. *Saving of jurisdiction of courts.*] Notwithstanding their removal to the site provided by "The Courts of Justice Concentration (Site) Act, 1865," the superior courts of law and equity may exercise the same jurisdiction and enjoy the same rights and privileges as they have hitherto exercised and enjoyed, and all statutes, charters, and other instruments, wherein Westminster is described or referred to as being the locality of the said courts shall be construed as if the site provided by "The Courts of Justice Concentration (Site) Act, 1865," had been described or referred to in the said statutes, charters, and other instruments as the locality of the said courts, instead of Westminster.

19. Forms of writs to be altered by order in council.

20. Power to try London causes in the new courts.

21. Power to try Middlesex causes in the new courts.

22. Existing courts and offices, known as the Masters offices, to be discontinued and to be vested, with their sites, in the Commissioners of Public Works.

23. Society of Lincoln's-inn may re-purchase six clerks and registrars offices. Trusts declared by 56 Geo. 3, c. 84, to be discharged. Lord Chancellor to adjust accounts. On payment of balance Lord Chancellor to make vesting order.

CAP. XLIX.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same.

[19th June, 1865.

1. Short title, "The Courts of Justice Concentration (Site) Act, 1865."

Incorporation of Commissioners.

2. The Commissioners of her Majesty's Works and Public Buildings for the time being, hereinafter referred to as "the commissioners," shall be incorporated for the purposes of this Act by the name and style of "The Commissioners of her Majesty's Works and Public Buildings," and by that name shall have perpetual succession and a common seal, to be by them from time to time altered as they think fit, with power to hold lands for the purposes and subject to the provisions of this Act.

Acquisition of Site.

3. The purposes of this Act are the acquisition of a convenient site for the accommodation of the Superior Courts of Law and Equity, or some of them, the Probate and Divorce Courts, and the Courts of Admiralty, and the various offices connected with them, and of such other courts for the administration of justice, and offices connected therewith, or used for any other purpose of legal administration, as may from time to time be prescribed by the Commissioners of her Majesty's Treasury, and the providing of convenient means of access to the said courts and offices.

4. The commissioners may, out of any moneys placed at their disposal for that object, purchase, take, and use for the purposes of this Act all or any of the prescribed lands.

5. All lands purchased by the commissioners in pursuance of this Act, which were at the time of such purchase subject to land tax, to poor or other rates, shall continue liable thereto, but they shall not be assessed to any tax or rate on a higher rateable value than that on which they were assessed on the 1st day of January, 1865.

6. Power to commissioners to enter on lands.

7. 8 & 9 Vict. c. 18, incorporated, except s. 16; 23 & 24 Vict. c. 106, incorporated. This Act to be deemed the "Special Act" and the commissioners the "promoters." Bond regulated by 8 & 9 Vict. c. 18, s. 85, to be sufficient without sureties. "Sheriff" to include High Bailiff of Westminster.

8. Questions of disputed compensation in London to be heard in the Lord Mayor's Court.

9. Upon the purchase by the commissioners of the prescribed lands or any part thereof, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains, on, through, or under such lands or part thereof, and all other rights and easements in or relating to such land or part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the commissioners, subject to this provision, that all persons and bodies of persons, corporate or unincorporate, may recover from the commissioners such compensation, if any, as they may be entitled to under the provisions of "The Lands Clauses Consolidation Act, 1845."

10. The commissioners shall pay an annual sum to

The rector of Saint Clement Danes in the city of Westminster;

The perpetual curate of Saint Thomas, Liberty of the Rolls, in the county of Middlesex;

The rector of the parish of Saint Dunstan in the West in the City of London,

by way of compensation for the loss of all such Easter dues, oblations, surplice fees, or other customary payments that

may be taken away in consequence of carrying into effect the purposes of this Act.

11. Compensation for tithes or rentcharges to be paid by commissioners.

12. All claims for compensation made upon the commissioners under the provisions of this Act or any Act incorporated herewith shall, if the person claiming to be entitled to compensation has no greater interest than as tenant for a year, or from year to year, in the lands in respect of which the compensation is claimed, be determined in manner provided by the 121st section of "The Lands Clauses Consolidation Act, 1845."

13. Limits for compulsory purchases to be five years.

14. The commissioners may, for the purpose of improving the approaches, or of providing convenient roads, bridges over, or tunnels under streets, or other modes of access to the proposed Courts of Justice and the offices connected therewith, acquire by purchase or otherwise any lands or interest in lands or easements, and for the purposes of such acquisition the said Lands Clauses Consolidation Act shall be deemed to apply, with the exception of so much thereof as relates to the purchase of lands otherwise than by agreement.

15. The commissioners may pull down and remove any buildings on the prescribed lands, and may construct thereon such buildings and works, and do all such other things as may in their opinion be necessary or expedient in order to carry into effect the purposes of this Act or any of them.

16. *Protection of sewers of Metropolitan Board.*] Where any works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any main sewer under the jurisdiction or control of the Metropolitan Board of Works, the commissioners shall not commence such work until they shall have given to the said Metropolitan Board fourteen days previous notice in writing of their intention to commence the same, with a plan showing proposed works, and until such board shall have signified their approval of the same, unless such board do not signify their approval, disapproval, or other directions within fourteen days after service of plan; and the commissioners shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such board may deem necessary for the proper protection of and for preventing injury or impediment to the main sewers hereinbefore referred to, by or by reason of the said intended works, or any part thereof, and shall save harmless the said Metropolitan Board against any expense to be occasioned thereby; and all such last-mentioned works shall be done by or under the direction of the engineer or other officer or officers of the said Metropolitan Board, at the expense in all respects of the commissioners; and all expenses which the said Metropolitan Board may be put to by reason of the works of the commissioners, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to such board by the commissioners; and when any new, altered, or substituted works as aforesaid, or any works connected therewith, shall be completed by or at the expense of the commissioners, under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Metropolitan Board as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice any of the rights, powers, and authorities of the said Metropolitan Board; provided that no renewal or alteration, other than a change of site of existing works, shall be deemed new works under this Act; and if the commissioners shall complain of any withholding of consent on the part of the said board, or of any orders and directions and regulations, or of any charges sought to be imposed by such board upon the commissioners, in the execution of any such works, it shall be lawful for her Majesty's principal Secretary of State for the Home Department for the time being to determine every such difference, and by order under his hand to authorize the works, and the manner of executing the same, as he shall think fit; and after the date of the application by the commissioners to the said Secretary of State no penalty shall be incurred by any default of the com-

missioners in respect of or in relation to such works, or the matters in difference between the parties.

17. Saving rights of the Commissioners of Sewers of London.

18. All buildings erected on the prescribed lands shall be exempt from the operation of the first part of "The Metropolitan Buildings Act, 1855."

19. No notice to be given to purchase property until a certificate has been received by the Treasury from persons appointed under 28 Vict. c. 48, to advise, &c. as to plan.

20. No purchases to be without the authority of the Treasury.

21. Every notice, summons, writ, or other document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the solicitors or secretary for the time being of the commissioners and need not be under the common seal of the commissioners and may be in writing or in print, or partly in writing and partly in print.

22. Orders concerning money paid into court may be made at chambers.

23. If any person wilfully obstruct any person acting under the authority of the commissioners in the lawful exercise of the powers vested in them under this Act, he shall forfeit a sum not exceeding five pounds for every such offence, to be recovered in a summary manner.

24. No deed, bond, or other instrument made by, to, or with the commissioners for any of the purposes of this Act shall be subject to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments are specially charged therewith in such future Act.

25. Deeds to be enrolled in Court of Exchequer.

26. A copy of the plans of the prescribed lands shall be deposited at the office of the commissioners, and shall remain at the said office, to the end that all persons may at all reasonable times, on payment of a fee of one shilling, have liberty to inspect the same.

CAP. L.

An Act for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland. [19th June, 1865.]

CAP. LI.

An Act to enable the Admiralty to contract for certain Works in connexion with the Extension of Her Majesty's Dockyards at Portsmouth and Chatham. [29th June, 1865.]

CAP. LII.

An Act to amend "The Drainage and Improvement of Lands Act (Ireland)," and to afford further Facilities for the Purposes thereof. [29th June, 1865.]

1. Short title, "The Drainage and Improvement of Lands Amendment Act (Ireland), 1865."

2. Copies of inspectors' reports to be lodged with clerk of the peace.

3. Part of section 38 of 27 & 28 Vict. c. 88, relating to issue of loans and advances, repealed, and Commissioners of Public Works empowered to advance monies necessary for the works.

4. All the provisions of former Acts, with respect to loans, to apply to loans under this Act.

5. Nothing in the Acts construed to render legal works that would have been illegal if Acts had not passed.

6. This Act to apply to districts in which provisional orders have been made under 26 & 27 Vict. c. 88.

7. This and recited Acts (26 & 27 Vict. c. 88, and 27 & 28 Vict. c. 72) to be as one.

CAP. LIII.

An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Act amending the same. [29th June, 1865.]

Schedule, containing the provisional order in the matter of the Kilmastulla drainage district.

CAP. LIV.

An Act to alter the Days between which Pheasants may not be killed in Ireland. [29th June, 1865.]

1. From and after the passing of this Act so much of the 27 Geo. 3, c. 35 (1.), as relates to the killing or destroying any pheasant between the 10th day of January and the 1st day of September in any year, shall be and the same is declared to be hereby repealed.

2. From and after the passing of this Act no person or persons shall, on any pretence whatsoever, kill or destroy any pheasant between the 1st day of February and the 1st day of October in any year, and if any person or persons shall do so he or they shall be liable to the same penalty as, by the above-mentioned Act, is laid upon every person or persons transgressing the same.

3. This Act shall be held to apply to Ireland only.

CAP. LV.

An Act to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University. [29th June, 1865.]

1. Power to University to make statutes as to the Vinerian Foundation.

2. Provisions of 25 & 26 Vict. c. 26 (Oxford University Act, 1862), to apply to statutes under this Act.

3. Short title, "Oxford University (Vinerian Foundation) Act, 1865."

CAP. LVI.

An Act to provide for the better Prevention of Trespass in Scotland. [29th June, 1865.]

1. Short title, "The Trespass (Scotland) Act, 1865."

2. Interpretation of terms "premises," "magistrate," "procurator fiscal."

3. Parties lodging in premises or encamping on land, without permission, guilty of an offence punishable as herein-after provided.

4. *Apprehension and punishment of offenders.* Every person who commits any offence against the provisions of this Act may, if found in the act of committing the same by any officer of police or constable, be apprehended by such officer or constable, and detained in any prison, police station, lock-up, or other place of safe custody, and not later than in the course of the next lawful day after he shall have been so taken into custody, shall be brought before a magistrate; and every person charged with the commission of any such offence may, if not so taken into custody, or if he shall have been liberated on bail or pledge, be summoned to appear before a magistrate, and on being convicted of such offence on his own confession, or on the evidence of one or more credible witnesses, shall for a first offence be liable to a penalty not exceeding twenty shillings, or to imprisonment for any period not exceeding fourteen days, and for a second or any subsequent offence shall be liable to a penalty not exceeding forty shillings, or to imprisonment for any period not exceeding twenty-one days.

5. Every prosecution for an offence against the provisions of this Act shall be raised and proceeded in at the instance of the procurator fiscal, and shall be heard and determined by one or more magistrate or magistrates in a summary form; and every such prosecution shall be commenced within one month after the offence has been committed.

CAP. LVII.

An Act to amend certain Provisions in "The Ecclesiastical Leasing Act, 1858." [29th June, 1865.]

Whereas doubts have arisen as to the interpretation of certain provisions of the Ecclesiastical Leasing Act, 1858: Be it enacted, &c.

1. Monies for sales under said Act payable by way of annual chief rent, &c., not subject to section 2 of said Act.

CAP. LVIII.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating

to Carrickfergus, Hastings, Maldon, Northam, and Shanklin. [29th June, 1865.]

1. *Orders in schedule confirmed.* The orders set out in the schedule hereto shall be and are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

2. Short title, "The Pier and Harbour Orders Confirmation Act, 1865."

SCHEDULE to which the foregoing Act refers.

CARRICKFERGUS.

Order for the amendment of The Carrickfergus Harbour Order, 1862.

HASTINGS.

Order for the amendment of The Hastings Pier and Harbour Order, 1862.

MALDON.

Order for the improvement, maintenance, and regulation of the harbour at Maldon in the county of Essex.

NORTHAM.

Order for the construction, maintenance, and regulation of a pier at Northam in the county of Devon.

SHANKLIN.

Order for the construction, maintenance, and regulation of a pier at Shanklin in the Isle of Wight in the county of Southampton.

CAP. LIX.

An Act for confirming, with Amendments, a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the Port of Sunderland. [29th June, 1865.]

1. Order in schedule confirmed.

2. Short title, "The (Sunderland) Pilotage Order Confirmation Act, 1865."

SCHEDULE.

SUNDERLAND.

Amended order referred to and confirmed by the foregoing Act.

CAP. LX.

An Act to render Owners of Dogs in England and Wales liable for Injuries to Cattle and Sheep. [29th June, 1865.]

1. *Owner of dog to be liable in damages for any injury committed by his dog. Recovery of damages.* The owner of every dog shall be liable in damages for injury done to any cattle or sheep by his dog; and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such previous propensity, or that the injury was attributable to neglect on the part of such owner. Such damages shall be recoverable in any court of competent jurisdiction by the owner of such cattle or sheep killed or injured. Where the amount of the damages claimed shall not exceed five pounds, the same shall be recoverable in a summary way before any justice or justices sitting in petty sessions under the provisions of the Act 11 & 12 Vict. c. 43.

2. *Who shall be deemed the owner of the dog.* The occupier of any house or premises where any dog was kept or permitted to live or remain at the time of such injury shall be deemed to be the owner of such dog, and shall be liable as such, unless the said occupier can prove that he was not the owner of such dog at the time the injury complained of was committed, and that such dog was kept or permitted to live or remain in the said house or premises without his sanction or knowledge: Provided always, that where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the premises in which such dog shall have been kept or permitted to live or remain at the time of such injury shall be deemed to be the owner of such dog.

3. *Extent of Act.* This Act shall extend to England and Wales only.

CAP. LXI.

An Act for providing a further Sum towards defraying the Expenses of Constructing Fortifications for the

Protection of the Royal Arsenals and Dockyards, and the Ports of Dover and Portland, and of creating a Central Arsenal. [29th June, 1865.]

CAP. LXII.

An Act to provide for the Exemption of Churches and Chapels in Scotland from Poor Rates.

[29th June, 1865.]

Whereas by the Act 3 & 4 Will. 4, c. 30, it is provided, &c., but doubts have been entertained whether the recited Act extends to Scotland: Be it enacted, &c.

1. *Places exclusively appropriated to public worship in Scotland not liable for poor rates.* No person shall be rated or be liable to be rated for or to pay any poor rates for or in respect of any church, chapel, meeting-house, or premises in Scotland exclusively appropriated to public religious worship; and no person shall be liable to any such rates because such church, chapel, meeting-house, or other premises, or any room belonging thereto, or any part thereof, may be used for Sunday or infant schools, or for the charitable education of the poor.

CAP. LXIII.

An Act to remove Doubts as to the Validity of Colonial Laws.

[29th June, 1865.]

1. Definitions of "colony," "legislature," "colonial legislature," "representative legislature," "colonial law," Act of Parliament, &c., to extend to colony when made applicable to such colony. "Governor," "letters patent."

2. Any colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, shall be read subject to such Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

3. No colonial law shall be or be deemed to have been void or inoperative on the ground of repugnancy to the law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

4. Colonial law not void for inconsistency with instructions.

5. Colonial legislature may establish, &c., courts of law. Representative Legislature may alter constitution.

6. Certified copies of laws to be evidence that they are properly passed. Proclamation to be evidence of assent and disallowance.

7. Certain Acts enacted by Legislature of South Australia to be valid.

CAP. LXIV.

An Act to remove Doubts respecting the Validity of certain Marriages contracted in Her Majesty's Possessions abroad.

[29th June, 1865.]

1. *Colonial laws establishing validity of marriages to have effect throughout her Majesty's dominions. Not to give effect to marriages unless parties are competent to contract marriage.* Every law made or to be made by the Legislature of any such possession as aforesaid for the purpose of establishing the validity of any marriage or marriages contracted in such possession shall have and be deemed to have had from the date of the making of such law the same force and effect for the purpose aforesaid within all parts of her Majesty's dominions as such law may have had or may hereafter have within the possession for which the same was made. Provided that nothing in this law contained shall give any effect or validity to any marriage unless at the time of such marriage both of the parties thereto were, according to the law of England, competent to contract the same.

2. *Definition of "Legislature."* In this Act the word "Legislature" shall include any authority competent to make laws for any of her Majesty's possessions abroad, except the Parliament of the United Kingdom and her Majesty in council.

CAP. LXV.

An Act to explain "The Defence Act, 1860."

[29th June, 1865.]

1. Interpretation of words "Barns, Hovels," &c., in section 34 of recited Act, 23 & 24 Vict. c. 112.

2. Act and recited Act to be construed together.

CAP. LXVI.

An Act to allow the charging of the Excise Duty on Malt according to the Weight of the Grain used.

[29th June, 1865.]

1. This Act shall (except where otherwise expressly enacted) commence and take effect on the 1st of September, 1865.

2. Maltster entitled to have the duty upon malt made by him charged according to the weight of the grain used.

3. Cover to be affixed to cistern to the satisfaction of supervisor of excise.

4. Forty-eight hours notice in writing to be given of the steeping of grain.

5. Declaration to be given of the weight of grain to be steeped.

6. Mode of ascertaining weight of grain.

7. *Mode of calculating duty on malt, when charged according to weight.* For the purpose of calculating and charging the duty upon malt made under the provisions of this Act, a measured bushel of dry corn or grain of the weight of fifty-three pounds avoirdupois shall, for the purposes of this Act, be deemed to be the standard weight on which the amount of duty payable upon a bushel of malt shall be chargeable; and in order to ascertain the number of bushels of malt to be charged on any steeping of corn or grain to be made into malt, the quantity shall first be calculated by gauge according to the existing laws and regulations in that behalf, and such quantity shall then be multiplied by the number of pounds which the sample bushel taken from such corn or grain in the manner directed by this Act shall be found to weigh, and the product be divided by fifty-three, and the quotient of such division shall be the quantity upon which the duty shall be charged. Provided that if no sample bushel of the corn or grain shall have been taken as hereinbefore directed, then the quantity of malt, when calculated by gauge as aforesaid, shall be multiplied by the weight of a bushel of the corn or grain as declared by the maltster, his workman or servant, and the product be divided as aforesaid.

8. Maltster to provide scales and weights and bushel measure.

9. Officer may weigh any grain in the malthouse of a maltster making malt under the provisions of this Act.

10. Penalty where the weight of grain shall exceed declared weight in a greater proportion than two pounds avoirdupois per bushel, £100.

11. Grain making into malt may be sprinkled at the expiration of ninety hours after being emptied from cistern.

12. Penalty for offences against this Act £100 over and above any other penalty or penalties to which he may be subject under any other Act now in force.

13. Condition No. 3 in section 28 of 23 & 24 Vict. c. 113, repealed, and other provisions made.

14. 12 Geo. 1, c. 4, ss. 48 to 59, and 3 Geo. 4, c. 18, ss. 12 to 16, and 18 and 19, relating to the exportation of malt on drawback, repealed.

15. Nothing in this Act to repeal provisions of other Malt Acts.

16. Act to continue for four years from the passing thereof, and until the end of the then next session of Parliament.

CAP. LXVII.

An Act to amend the Acts relating to the Harbour of Kingstown.

[29th June, 1865.]

CAP. LXVIII.

An Act to enable the Ecclesiastical Commissioners for England to grant Superannuation Allowances to persons employed in their Service.

[29th June, 1865.]

1. *Power to Commissioners, out of their common fund, to grant retired allowances.* Subject to the exceptions and provisions hereinafter contained, it shall be lawful for the said Commissioners to pay out of their common fund allowances

on retirement to persons who shall have served in an established capacity in the permanent service of the Commissioners, not exceeding the following scale, viz. :—

To any person who shall have served ten years and upwards and under eleven years, an annual allowance of ten sixtieths of the annual salary and emoluments of his office.

For eleven years and under twelve years, an annual allowance of eleven sixtieths of such salary and emoluments; and in like manner a further addition to the annual allowance of one sixtieth in respect of each additional year of such service until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted; and no addition shall be made in respect of any service beyond forty years.

2. Power to grant gratuities in certain cases where officials not entitled by length of service to superannuation, but compelled to quit their service by reason of severe bodily injury, occasioned, without their own default, in the discharge of their duty.

3. No superannuation to be granted unless approved by Treasury.

4. *Restrictions as to grant of full superannuation allowance.* It shall not be lawful for the said Commissioners to grant the full amount of superannuation allowance which can be granted under this Act to any person other than the secretary, unless upon production of a certificate signed by the secretary that such person has served with diligence and fidelity to the satisfaction of the Commissioners; provided that the said Commissioners may grant to any person any such allowance of less amount than otherwise would have been awarded to him where his defaults or demerit may appear to them to justify such diminution.

5. Under special circumstances an increase may be made to regular superannuation allowance.

6. Superannuation not to be granted to persons under sixty, except upon medical certificate.

7. Where superannuation granted to any person under sixty, he shall be liable to be recalled to service.

8. No person hereafter to be appointed, not being the secretary, shall be deemed to be in the service of the said Commissioners for the purposes of this Act unless he shall have been admitted into the service of the said Commissioners with a certificate from the Civil Service Commissioners, or unless he shall have been transferred from a situation in the Civil Service entitling him to superannuation under the Superannuation Act of 1859.

9. Return of superannuations to be inserted in annual report.

CAP. LXIX.

An Act further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes. [29th June, 1865.]

Preamble recites 17 Geo. 3, c. 53, 21 Geo. 3, c. 66, 7 Geo. 4, c. 66, 1 & 2 Vict. c. 23.

1. Extension of provisions of recited Acts relating to repairing, rebuilding, or acquiring houses of residence, &c.

2. Governors of Queen Anne's Bounty may sell lands, &c., given to them for their general purposes.

3. Powers of recited Acts extended to this Act.

4. Corporations and persons under disability or incapacity authorized to convey houses and lands for parsonages.

5. Five of the governors may form a quorum.

CAP. LXX.

An Act to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast. [29th June, 1865.]

CAP. LXXI.

An Act to amend the Acts for the Establishment of a National Gallery in Dublin. [29th June, 1865.]

CAP. LXXII.

An Act to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines. [29th June, 1865.]

1. Short title, "The Navy and Marines (Wills) Act, 1865."

2. Interpretation of terms, "the Admiralty," "Seaman or Marine."

3. *Will made before entry ineffectual as to wages, &c.* A will made after the commencement of this Act by any person at any time previously to his entering into service as a seaman or marine shall not be valid to pass any wages, prize money, bounty money, grant, or other allowance in the nature thereof, or other money payable by the Admiralty, or any effects or money in charge of the Admiralty.

4. *Will invalid if combined with power of attorney.* A will made after the commencement of this Act by any person while serving as a seaman or marine shall not be valid for any purpose if it is written or contained on or in the same paper, parchment, or instrument with a power of attorney.

5. *Regulations for wills of seamen, &c., as to wages, &c.* A will made after the commencement of this Act by any person while serving as a seaman or marine, or when he has ceased so to serve, shall not be valid to pass any wages, prize money, bounty money, grant, or other allowance in the nature thereof, or other money payable by the Admiralty, or any effects or money in charge of the Admiralty, unless it is made in conformity with the following provisions :—

(1.) Every such will shall be in writing, and be executed with the formalities required by the law of England in the case of persons not being soldiers in actual military service, or mariners or seamen at sea.

(2.) Where the will is made on board one of her Majesty's ships, one of the two requisite attesting witnesses shall be a commissioned officer, chaplain, or warrant or subordinate officer, belonging to her Majesty's naval or marine or military force.

(3.) Where the will is made elsewhere than on board one of her Majesty's ships, one of the two requisite attesting witnesses shall be such a commissioned officer or chaplain or warrant or subordinate officer as aforesaid, or the governor, agent, physician, surgeon, assistant surgeon, or chaplain of a naval hospital at home or abroad, or a justice of the peace, or the incumbent, curate, or minister of a church or place of worship in the parish where the will is executed, or a British consular officer, or an officer of customs, or a notary public.

A will made in conformity with the foregoing provisions shall, as regards such wages, money, or effects, be deemed to be well made for the purpose of being admitted to probate in England; and the person taking out representation to the testator under such will shall exclusively be deemed the testator's representative with respect to such wages, money, or effects.

6. *As to wills made by prisoners of war.* Notwithstanding anything in this or any other Act, a will made after the commencement of this Act by a seaman or marine while he is a prisoner of war shall (as far as regards the form thereof) be valid for all purposes if it is made in conformity with the following provisions :—

(1.) If it is in writing, and is signed by him, and his signature thereto is made or acknowledged by him in the presence of, and in his presence attested by one witness, being either a commissioned officer or chaplain belonging to her Majesty's naval or marine or military force, or a warrant or subordinate officer of her Majesty's navy, or the agent of a naval hospital, or a notary public.

(2.) If the will is made according to the forms required by the law of the place where it is made:

(3.) If the will is in writing and executed with the formalities required by the law of England in the case of persons not being soldiers in actual military service or mariners or seamen at sea.

7. *Payment under will not in conformity with Act.* Notwithstanding anything in this Act, in case of a will made after the commencement of this Act by any person while serving as a marine or seaman, and being either in actual military service or a mariner or seaman at sea, the admiralty may pay or deliver any wages, prize-money, bounty-money, grant or other allowance in the nature thereof, or other money payable by the admiralty, or any effects or money in charge of the admiralty, to any person claiming to be entitled thereto under such will, though not made in conformity with the

provisions of this Act, if, having regard to the special circumstances of the death of the testator, the Admiralty are of opinion that compliance with the requirements of this Act may be properly dispensed with.

8. This Act shall commence on such day, not later than the 1st day of January, 1866, as her Majesty in council thinks fit to direct; nevertheless her Majesty in council may, if it seems fit, with reference to any places out of the United Kingdom, direct that this Act do not commence there, respectively, until a time after that day, and with respect to every such place the time so appointed shall be deemed the time of commencement of this Act.

9. *Publication of orders in council.*] Every order in council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the next meeting of Parliament.

CAP. LXXIII.

An Act for regulating the Payment of Naval and Marine Pay and Pensions. [29th June, 1865.]

1. Short title, "The Naval and Marine Pay and Pensions Act, 1865."

2. Interpretation of terms: "The Admiralty," "Officer," "Seaman or Marine."

3. *Payment of naval and marine pay and pensions according to order in council.*] All pay, wages, pensions, bounty money, grants, or other allowances in the nature thereof, payable in respect of services in her Majesty's naval or marine force to a person being or having been an officer, seaman, or marine, or to the widow or any relative of a deceased officer, seaman, or marine, shall be paid in such manner, and subject to such restrictions, conditions, and provisions as are from time to time directed by Order in Council.

4. *Prohibition of assignment of pensions, &c.*] Any assignment, sale, or contract made after the commencement of this Act by an officer, seaman, or marine entitled to any naval pension; or by a person entitled to a pension as the widow of an officer; or by a person entitled to an allowance from the compassionate fund; or by a person entitled to any marine half-pay, or in relation to such pension, allowance, or half-pay, shall be void.

5. *Prohibition of assignment of wages, &c.*] Any assignment, sale, or contract made after the commencement of this Act, of or relating to any pay, wages, bounty money, grants, or other allowances in the nature thereof, payable in respect of services in her Majesty's naval or marine force to a person being or having been a subordinate officer, seaman, or marine, shall be void.

6. Exemption from stamp duty.

7. *Proof to be given by masters claiming pay of apprentices.*] If the wages of a seaman or marine are claimed under an indenture of apprenticeship by a master, they shall be paid to the seaman or marine, and not to the master, unless the master produces the indenture with satisfactory proof that it was in full force during the period for which he claims the wages, and that the apprentice was, at the time of the execution of the indenture, under the age of eighteen years, and had not previously been at sea.

8. Saving for Naval Agency Act.

9. Saving for Naval Discipline Act.

10. Saving for power of Secretary of State as to pensions.

11. Her Majesty in council may from time to time make such orders in council as seem meet for the better execution of any of the purposes of this Act.

12. Orders in council to be published in *London Gazette*.

13. *Commencement of Act.*] This Act shall commence on such day, not later than the 1st day of January, 1866, as her Majesty in council thinks fit to direct.

Any order in council for the better execution of any of the purposes of this Act may nevertheless be made before that day, but not so as to commence before it.

CAP. LXXIV.

An Act to enable Her Majesty's Secretary of State for

the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of Devon. [29th June, 1865.]

CAP. LXXV.

An Act for facilitating the more useful Application of Sewage in Great Britain and Ireland.

[29th June, 1865.]

1. Short title, "The Sewage Utilization Act, 1865."

2. *Application of Act.*] This Act shall not extend to any part of the metropolis as defined by the Act of 18 & 19 Vict. c. 120, for better local management of the metropolis, and shall not, with the exception of clause 15, extend to any parish as defined in the schedule to this Act in a part of which parish the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts, is in force at the time of the passing of this Act.

3. *Definition of sewer authority.*] The expression "sewer authority" shall, in the several places in the schedule annexed hereto in that behalf mentioned, mean the persons or bodies of persons referred to in the first column of the schedule annexed hereto; and the term "district," in relation to a sewer authority, shall, as respects each authority, mean the place in that behalf referred to in the second column of the said schedule.

"Local board" shall mean a local board authorized in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts.

4. *Powers of sewer authorities.*] Sewer authorities shall have power to construct such sewers as they may think necessary for keeping their district properly cleansed and drained, and shall, as respects all sewers constructed by them or under their control, whether the same were made before or after the passing of this Act, have all the powers that local boards have, in respect of sewers vested in or constructed by them under the 45th and 46th sections of the Public Health Act, 1848, the 30th section of the Local Government Act, 1858, and the 4th section of the Local Government Act, 1858, Amendment Act, 1861, subject to the provisions of the 5th and 6th sections of the last-mentioned Act, and to the saving clauses in the Local Government Act, 1858, mentioned, from 68 to 74, both inclusive; and in Scotland, in addition to such of the aforesaid powers as are applicable to Scotland, all the powers contained in section 7 (public sewers) of part 4 of the General Police and Improvement (Scotland) Act, 1862.

5. *Power of entry.*] The sewer authority shall have the powers of entry conferred by the 143rd section of the Public Health Act, 1848, for the purposes of making or keeping in repair any works made or to be made by them, as well as for the purposes specified in the said section.

6. *Payment of expenses.*] A sewer authority shall pay all expenses incurred by them in carrying this Act into effect out of the fund or rate in the schedule in that behalf mentioned, and shall have all such powers of borrowing money on the security of such fund or rate as local boards have of borrowing money under the Local Government Act, 1858, and the Acts amending that Act, on the security of the funds or rates in the said Acts in that behalf mentioned, subject to the conditions and sanction under which such powers are exercised by local boards under the said Acts.

7. A sewer authority shall have the powers of taking lands conferred on local boards by the 75th section of The Local Government Act, 1858, and any Act amending the same.

8. *Compensation.*] Full compensation shall be made out of any fund or rate applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act; and in case of dispute as to amount, the same shall be settled by arbitration, as provided in the Public Health Act, 1848, or any Act amending the same, or if the compensation claimed do not exceed the sum of twenty pounds, the same may be ascertained by, and recovered before, justices, in a summary manner, in manner provided by the Acts mentioned in this section.

9. Power of sewer authorities to combine.

10. Sewer authority may take proceedings to prevent pollution of streams.

11. Nothing contained in this Act, or in the Acts referred to therein, shall authorize any sewer authority to make a sewer so as to drain direct into any stream or water-course.

12. Power to Public Works Loan Commissioners to lend money to sewer authorities.

13. Powers of Act cumulative.

14. Sewer authority may enter into contract for supply of sewage.

15. Application of 27 & 28 Vict. c. 114, to works, &c., for supply of sewage.

16. Board of Works in sewage matters to have power of Secretary of State in sewage matters.

SCHEDULE.

ENGLAND AND WALES.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The mayor, aldermen, and burgesses acting by the council.	In boroughs, with the exception of the boroughs of Oxford and Cambridge, not within the jurisdiction of a local board.	The borough fund or borough rate.
The commissioners, trustees, or other persons intrusted by any local Act of Parliament with powers of improving, cleansing, lighting, or paving the town.	The boroughs of Oxford and Cambridge, and any town or place not included within the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any local Act with powers of improving, cleansing, lighting, or paving any town.	Any rate leviable by the commissioners, trustees, or other persons.
The vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.	In parishes not within the jurisdiction of any sewer authority hereinbefore mentioned, and in which a rate is levied for the maintenance of the poor.	The poor rate.

SCOTLAND.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The town council	Places within the jurisdiction of any town council and not subject to the separate jurisdiction of police commissioners or trustees.	The revenue of the burgh, or any rate applicable to sewers leviable by the town council.
The police commissioners or trustees.	In places where police commissioners or trustees exercise the functions of police commissioners or trustees under any general or local Act.	Any rate leviable by the commissioners or trustees, or any fund belonging to them.
The parochial board.	Any town or village not included in the above descriptions.	The poor rate.

IRELAND.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The right hon. the Lord Mayor, aldermen, and burgesses.	The city of Dublin.	The district sewer rate.
The Mayor, aldermen, and burgesses.	Towns corporate or boroughs (with the exception of Dublin).	Any rate leviable by the town council, or any fund belonging to them, applicable in the whole or in part to the making or repairing of sewers within their jurisdiction.
The town commissioners or other governing body.	Towns having town commissioners under 9 Geo. 4, c. 82, or 17 & 18 Vict. c. 103, or any Acts amending the same, or having commissioners or other governing body under any local Act.	Any rate leviable by these bodies, or any fund belonging to them, applicable in the whole or in part to the making or repairing of sewers within their jurisdiction.
The board of guardians or any committee thereof appointed by the board.	Any town or village in any union not included in the above descriptions.	The poor rate; but the expenses to be charged only on the electoral division in which the town or village is situated.

CAP. LXXVI.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Girvan, Mevagissey, and Stornoway.

[29th June, 1865.]

CAP. LXXVII.

An Act to amend the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864."

[29th June, 1865.]

1. Short title, "Public House Closing Act, 1865."

2. *Power to justices to grant licences to licensed victuallers and refreshment house keepers suspending operation of recited Act.* It shall be lawful for the licensing justices at the time of granting or renewing any licence, upon the production of such evidence as they shall deem sufficient to show that it is necessary or desirable, for the accommodation of any considerable number of persons attending any public market, or following any lawful trade or calling, if, in the discretion of such justices, they shall think fit, to grant to any licensed victualler or keeper of a refreshment house whose place of business is in the immediate neighbourhood of such market or of the place where the persons follow such lawful trade or calling, a licence exempting him from the provisions of the herein-before mentioned Act between the hours of two and four o'clock in the morning, or any part of such hours, during such days, times, or hours as shall be specified in such licence; and no licensed victualler or keeper of a refreshment house to whom such licence has been granted under this Act shall be subject to any penalty for a contravention of the herein-before mentioned Act during the days or times to which such licence extends, but he shall not be exempted by such licence from any penalty to which he may be subject under any other Act of Parliament; provided that a printed notice,

stating the days and special hours during which, and the class of persons for whom the house is open under such licence, shall be affixed in a conspicuous position outside the house.

3. Power to withdraw such licence.

4. The said Act, as herein amended, shall be in force in such districts under the operation of the Public Health Act, 1848, or the Local Government Act, 1858, as adopt the same; and local boards of health established under or by virtue of the said Public Health Act, 1848, and local boards established under or by virtue of the said Local Government Act, 1858, may adopt the said Public House Closing Act, 1864, in the same manner; and the same shall come into operation at the same time as is provided for the adoption and coming into operation of that Act by corporate boroughs or boards of improvement commissioners; provided that this section shall not apply to any district which is a corporate borough, or within the jurisdiction of board of improvement commissioners.

5. *Justices of the peace to grant licences.* So much of the 8th clause of the said recited Act as defines the local authority to be a commissioner, superintendent, or other chief officer of police, shall be repealed, and instead thereof the local authority shall be, in any district, city, or town, where petty sessions are held, except in the Metropolitan police district, two justices of the peace sitting in petty sessions, and in any other district, city, or town, two justices of the peace acting in the district, city, or town.

6. Act to be construed with recited Act.

CAP. LXXVIII.

An Act to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.

[29th June, 1865.]

Whereas it is expedient that provision should be made whereby such Companies as are hereinafter defined may be enabled to issue mortgage debentures, founded upon the security of certain descriptions of property as hereinafter defined, and for the registration in the office of land registry of such mortgage debentures and securities: be it therefore enacted, &c.

1. Short title, "The Mortgage Debenture Act, 1865."

2. *Extent of Act.* This Act shall extend and apply to, and the powers hereby conferred may be exercised by, all such companies incorporated and carrying on business under the Companies Act, 1862, or under any Act of Parliament, as now or hereafter may be entitled to advance money on the security of land; and in the construction of this Act the expression "The company" means any company to which this Act applies, and which shall for the time being be availing itself of the provisions of this Act.

3. No company shall be entitled to avail itself of this Act unless it shall comply with the following provisions:

First. The company must, under its Act of Parliament or memorandum of association, be limited to one or more of the following objects:

1. The making of advances of money upon any of the following securities:—

- (a) Lands, messuages, hereditaments, and real property, and all estates and interests therein:
- (b) Rates, dues, assessments, and impositions upon the owners or occupiers of lands and real property imposed by or under the authority of any Act of Parliament, public or private, royal charter, commission of sewers or drainage, or other sufficient legal authority:
- (c) Charges and securities upon or affecting lands, messuages, hereditaments, and real property, executed, made, given, or issued under the authority of any Act of Parliament, public or private:

2. The borrowing of money on transferable mortgage debentures, or on one or more of the securities above mentioned:

Provided that any company already constituted under the Companies Act, 1862, for the purpose of making advances

on real securities, and whose memorandum of association, includes, but is not limited to the objects hereinbefore specified, may, by special resolution in accordance with the provisions of that Act, alter its memorandum for the purpose of limiting and so as to limit its objects and business to those so specified; and such company shall thereupon be and become a company constituting and carrying on business under such altered memorandum, and on its being shown to the satisfaction of the registrar hereinafter-mentioned that such alteration has been made, and that all obligations, if any, entered into by the company in respect of the business which prior to such special resolution it was empowered to transact, other than the business to which it will be limited after the passing of such special resolution, have been discharged, and that the articles of association of the company are in accordance with the altered memorandum, such company shall be deemed to be a company within this Act and entitled to the benefits thereof:

Second. The company must have a paid-up capital of not less than one hundred thousand pounds:

Third. Each share must be of the nominal value of not less than fifty pounds, of which not less than one-tenth nor more than one-half must have been paid up.

4. Power to company to borrow money on mortgage debentures.

5. *Nature of securities on which debentures may be founded.* The security upon and in respect of which such mortgage debentures may be founded and issued shall be securities affecting property in England or Wales of the following descriptions:

- (a.) Lands, messuages, hereditaments, or real property, or some estate or interests therein:
- (b.) Rates, dues, assessments, or impositions upon the owners or occupiers of lands, messuages, hereditaments, or real property, imposed by or under the authority of any Act of Parliament, public or private, Royal charter, commission of sewers or drainage, or other sufficient legal authority:
- (c.) Charges upon or affecting lands, messuages, hereditaments, or real property executed, made, given, or issued under the authority of any Act of Parliament, public or private?

But, from the securities described in paragraph (a.) shall be excepted securities upon mines or mineral property, quarries, brickfields, and factories, mills, and other buildings or works for manufacturing purposes, and also securities upon leasehold estates, determinable upon a life or lives, and not renewable or held for a term, of which, at the date of the security, less than fifty years shall be unexpired, or which are subject to any rent beyond a nominal rent or a ground rent.

In construing this Act the word "securities" shall be deemed to mean such securities as above defined and restricted and no others.

6. Securities on which companies wish to issue debentures to be produced to Registrar of titles, &c. for registry.

7. Register of securities to be established in office of land registry.

8. Registrar of titles, &c. to conduct business of register.

9. Upon deposit with Registrar of securities held by company, and the deeds relating thereto, and certificate of company, and declaration of surveyor, Registrar may register deed creating security.

10. *Form of declaration of surveyor.* The Registrar shall not register any deeds or instruments for the purposes of this Act until there shall have been produced for his inspection, and left to be registered, a voluntary declaration made by a surveyor or valuer, approved by the Inclosure Commissioners for England and Wales, in the form (B.) in the said schedule hereto, or to the like effect; but when such deeds or instruments relate exclusively to any of the securities described in section 5 (b and c), the report of the surveyor or valuer shall state only the value at the time of his report of the securities to be valued. There shall also be delivered with the before-mentioned deeds or instruments a schedule, under the hand of the secretary or one of the directors of the company, of the deeds and documents which were delivered to the company at the time when the security was executed to them, which deeds or documents shall be deposited with the registrar, to be retained by him until withdrawn as hereinafter provided.

11. Power to company to issue debentures not exceeding amount of registered securities, &c.

12. Before any company entitled to issue mortgage debentures under the provisions of this Act shall register any such mortgage debentures under the provisions of this Act, such company shall file in the Office of the Land Registry a return containing the following and such other particulars as the registrar may from time to time require, which return shall be under the hand of one at least of the directors of the company and the secretary:

- (a.) The amount of the nominal capital of the company, and the number and amount of shares into which the same is divided:
- (b.) The amount per share, and the aggregate amount paid up on the shares:
- (c.) The assets or property of the company at the date of the return, and how invested:
- (d.) The names, addresses, and occupations of the directors and auditors of the company:
- (e.) The registered office of the company.

13. Company may issue new debentures in lieu of those paid off.

14. Registered securities charged with payment of debentures, and not applicable for any other purpose until discharged from registration.

15. *Rights of holders of mortgage debentures.*] The persons from time to time entitled to the company's mortgage debentures shall, proportionally, according to the amount of the monies secured thereby, be entitled one with another to the benefit of the registered securities of the company upon which such mortgage debentures are founded, without any preference one above another by reason of priority of the date of any such mortgage debenture or otherwise.

16. *Proceedings on redemption of securities.*] Whenever any person who has executed a security which has been registered under the provisions of this Act is entitled to redeem such security, and has given notice to the company of his intention so to do, the company shall thereupon, and before the day appointed for the redemption, make application to the registrar for the purpose of having such security freed and discharged from the charge of the mortgage debentures issued by the company, and upon a security of at least equal value, as certified by a declaration of the surveyor or valuer before mentioned, being produced to him for registration and being registered accordingly, or its being shown to his satisfaction that at least an equivalent of mortgage debentures issued under the provisions of this Act has been cancelled, he shall allow the same to be so freed and discharged, and shall cause an entry to be made in the register of securities of the said security being discharged, and shall re-deliver to the company the several deeds or instruments to which such security relates, and which were delivered to the registrar for registration, under the provisions hereinbefore contained, and such entry shall be conclusive evidence of such discharge.

17. Owner of registered security upon default of company may obtain the discharge thereof from company's debentures.

18. Registrar to determine fees.

19. *Collection of fees.*] The following rules shall be observed with respect to the collection of fees.

- (a.) All fees so payable shall be received by stamps denoting the amount of fees payable, and not in money.
- (b.) When a fee is payable in respect of a document, a stamp denoting the amount of the fee shall be affixed to the document and properly cancelled.
- (c.) The Commissioners of Inland Revenue shall provide everything that is necessary for the collection of the moneys by this Act directed to be paid by stamps.

20. Subject to such regulations and on payment of such fees as the Registrar, with the sanction of the Lord Chancellor, from time to time prescribes, any person may inspect and make copies of and extracts from the register.

21. Company to make quarterly returns to Registrar.

32. The 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December, in every year shall be the quarter days for the purposes of this Act.

23. Every quarterly return to be made by the company to the Registrar shall be in the form set forth in form (C.) in

the schedule to this Act, or as near thereto as circumstances may admit, and shall contain, with reference to the then last quarterly day, the following particulars:—

- (a.) An account of all the securities of the company's at that time registered, showing the aggregate of all principal sums remaining secured thereby and unpaid, and showing also the aggregate amount or the aggregate estimated value of all annuities and other periodical payments secured thereby.
- (b.) An account showing the aggregate amount and the estimated value of the company's other investments, and also the total number and aggregate nominal amount of the shares of the company's capital held by persons registered in the company's books as the holders thereof, and the aggregate amount paid up in respect of those registered shares, and the aggregate amount remaining to be paid thereon.
- (c.) The numbers and dates of the several mortgage debentures issued by the company and remaining in force, and the several principal sums secured by those mortgage debentures respectively, and the aggregate amount thereof, and the rates of interest payable on those principal sums respectively, and the time or times for the re-payment of those principal sums respectively.

24. The amount or value of the annuities and other periodical payments to be comprised in the quarterly returns shall be ascertained or estimated by an actuary approved by the Registrar.

25. The aggregate of all principal sums remaining secured by the registered securities, together with the aggregate amount or value of the said annuities as so ascertained or estimated, shall, for the purpose of this Act, be deemed to be the total amount for the time being of the registered securities of the company.

26. *Form of mortgage debenture.*] Every mortgage debenture from time to time issued by the company shall be a deed under the common seal of the company, duly stamped as a mortgage for the amount secured, and bearing the signatures of at least two of the directors, and the counter-signature of the manager, secretary, or accountant of the company, and shall be in accordance with the form (D.) in the schedule to this Act, or as near thereto as circumstances admit.

27. Company to keep "register of securities."

28. The mortgage debentures shall be for the payment of principal sums at a fixed time, to be named therein, not less than six months nor exceeding ten years from the date, with interest thereon in the meantime, at such rate as may be agreed, payable half-yearly or otherwise; and no mortgage debenture shall be issued for a less principal sum than fifty pounds.

29. *Mortgage debentures to be numbered.*] The mortgage debentures shall be numbered consecutively, beginning with number one, and every mortgage debenture shall be distinguished by its appropriate number; and notwithstanding the cancellation, loss, or destruction of a mortgage debenture, no other mortgage debenture shall bear the number of that so cancelled, lost, or destroyed.

30. *Indorsement to be made upon mortgage debenture.*] There shall be indorsed upon every mortgage debenture issued under the provisions of this Act,—

- (a.) The amount of the nominal capital of the company issuing the same:
- (b.) The number and amount of the shares into which such capital is divided:
- (c.) The number of shares issued and the amount paid up in money upon each share so issued:
- (d.) The amount of the registered securities of the company as declared by the last quarterly return:
- (e.) The registered office of the company:

Provided that any inaccuracies or omissions in such indorsements shall not affect or invalidate the debenture.

31. List of mortgage debentures to be kept by company.

32. There shall also be established and kept in the office of land registry, by or under the direction of the registrar, in respect of every company issuing mortgage debentures under this Act, a register of the mortgage debentures of the company.

formation above contained with respect to the security numbered or lettered — is, to the best of my information and belief, correct, and that the value of the property above described (and, if the borrower's interest is of a limited nature, the value of the borrower's estate and interest or the property above described), exceeds the amount of £—, the advance made by the company in respect thereof (if there are prior charges, and of the prior charges thereon), to the extent of one-third at least of such value.

[A separate declaration may be made in respect of each security, and where the mortgage or charge is secured exclusively upon any of the securities comprised in Sec. 5 (b & c), omit from the word "declare" to the end, and insert "to the best of my information and belief the security above described, and numbered —, is now of the value of £—."]

FORM (C.)

*Form of Quarterly Return.**Mortgage Debenture Act, 1865.*

The first quarterly return of the — company, with reference to the 30th day of December, 1865.

The registered securities of the company. £

- | | |
|--|---------|
| 1. Aggregate securities under clause 5— <i>a</i> | 150,000 |
| 2. Aggregate securities under clause 5— <i>b</i> | 20,000 |
| 3. Aggregate securities under clause 5— <i>c</i> | 10,000 |

£180,000

- | | |
|--|--------|
| 4. Other investments (to be specifically enumerated) | 10,500 |
|--|--------|

- | | |
|--|------------|
| 5. 40,000 shares of £50 each held by registered holders..... | £2,000,000 |
| paid up thereon | 200,000 |

Remaining unpaid thereon..... £1,800,000

Liabilities.

Mortgage debentures issued and in force.

No.	Date.	Yearly rate per cent. of interest.	Time for repayment of principal.	Principal sum secured.
				£
1	August 1, 1865	Four.....	August 1, 1869	10,000
2	August 1, 1865	Four.....	August 1, 1869	5,000
3	August 10, 1865	{ Three and three quarters. and so on.	August 10, 1871	20,000
Total.....				£

We hereby certify that the above return is correct,

A. B.
C. D.

FORM (D.)

Form of Mortgage Debenture.

The — Company.

Mortgage Debenture, No.

By virtue of the Mortgage Debenture Act, 1865, we, the — company, in consideration of £— paid to us by A. B., of —, do hereby charge all the registered securities of the company with the payment to the said A. B., his executors, administrators, and assigns, of the sum of £—, and interest thereon at the rate of —, which sum of £— is to be paid and payable to the said A. B., his executors, administrators, and assigns, at the — [place], on the — day of — with interest on the same at the rate of — per cent. per annum, payable half-yearly, at said place, on every — day of — and — day of —, and we hereby undertake to pay said sum of £— and interest at the rate aforesaid, as above mentioned.

Given under our common seal, this — day of —

A. B., Director.
C. D., Director.

Countersigned, G. F., Secretary.

Registered

FORM (E.)

Form of Transfer of Mortgage Debenture.

I, A. B., of — in consideration of £— [state true consideration] hereby transfer to C. D. of — his executors, administrators, and assigns, the within mortgage debenture. (Signed) A. B.

CAP. LXXIX.

An Act to provide for the better Distribution of the Charge for the relief of the Poor in Unions.

[29th June, 1865]

Whereas it is expedient to make provision for the better distribution of the charge for the relief of the poor in unions than is by law now established, be it therefore enacted :

1. So much of section 26 of 4 & 5 Will. 4, c. 76, as requires parishes in unions to defray expenses of their own poor repealed; and expenses thenceforth incurred to be charged to the common fund.

2. *Guardians in unions may obtain orders of removal in respect of paupers settled elsewhere.* When any pauper relieved in any such union shall be settled in any parish situated in another union or subject to a board of guardians, and shall not be exempt from removal by reason of any provision of the law, the guardians of the union to which such pauper shall be chargeable may obtain an order of removal addressed to the guardians of the union or parish, or the overseers of the parish, as the case may require, in which such pauper shall be settled, and the guardians of such last-mentioned union or parish shall receive such pauper in like manner and subject to the like incidents and consequences as in the case of orders of removals heretofore obtained by overseers, with such modifications as may be necessary to meet the circumstances of the chargeability to the union instead of the parish.

3. *Guardians may defend and may appeal against orders of removal.* The guardians obtaining such order may defend the same, and the guardians upon whom it shall be made may appeal against the same, in like manner and with the like incidents and consequences as in the case of orders obtained or appealed against by overseers.

Provided that every appeal now pending may be continued and determined as though this Act had not been passed.

4. *Signature and service of notices and other documents.* Every notice, statement, demand, or other document required to be given by any such guardians in respect of any order of removal shall be deemed to be sufficiently authenticated if signed by their clerk in their name, and shall be deemed to be duly served upon the guardians to whom it shall be addressed if it be delivered to their clerk personally, or be left at his office, or be sent through the post addressed to him at such office.

5. Guardians empowered to call for books and papers from the overseers.

6. *Guardians may remove without orders where there is consent.* Where the guardians of any union or parish shall be satisfied that any pauper is settled within and removable to their union or parish, and shall consent under their common seal to receive such pauper without an order of removal, the guardians seeking to remove such pauper may do so without any such order.

7. *Penalty on paupers removing after order of removal.* Any pauper removed under an order of removal obtained by the guardians of any such union returning to and becoming chargeable to such last-mentioned union again within the period of twelve months from such removal, without the consent of the guardians thereof, shall be deemed to be an idle and disorderly person within the meaning of the statute 5 Geo. 4, c. 83, and be liable to be convicted and punished as such.

8. One year to be substituted for three years in section 1 of 24 & 25 Vict. c. 55, from March 25, 1866.

9. Costs of prosecutions to be charged to the common fund.

10. *Provisions for deaths in the workhouse.* For the purposes of the burial of any poor person dying in the workhouse of any union, such workhouse shall be considered as situated in the parish in the union where such poor person resided last, previously to his removal to the workhouse.

11. Poor law board to make all requisite orders.

12. *Computation of the charges on the common fund.* The guardians shall distribute the charges upon the common fund during and at the close of every half year in the proportions according to which the orders for the contributions to the common fund were made upon the several parishes comprised

in such unions at the commencement of such half-year, notwithstanding the change which may be made in the valuation list of any parish during such period.

13. *Saving of settlements in other respects.*] Except as herein provided, no alteration shall be made in respect of the settlement of poor persons in parishes.

14. *Unions, &c., under local Acts enabled to avail themselves of this Act.*] If in any union or incorporation for the relief of the poor, where the cost thereof is not borne by a common fund, or where the common fund is not calculated upon an equal basis throughout the union or incorporation, the body having, under the constitution of such union or incorporation, the management of such relief shall be desirous of adopting the provisions of this Act, such body may, on a resolution to that effect of a majority at two successive meetings, by writing under the hand of the presiding chairman of the second of such meetings, apply to the poor law board to be included in this Act; and upon the consent of that board being given under its seal to such application, and subject to such terms and conditions as that board may deem requisite, such union or incorporation shall be so included from such time as the said Board shall declare; and such consent so signified shall be evidence that such application was in all respects duly made according to the provisions above mentioned.

15. *Calls for money in advance to be made on the overseers of the several parishes.*] When this Act has been adopted by any such union or incorporation as aforesaid, and such adoption has been legally brought into operation in such union or incorporation, the body having the management of the relief of the poor therein, shall from time to time make calls in advance for money for the relief of such poor upon the overseers of the several parishes therein respectively, on the basis of an equal pound-rate on the annual value of the property in each parish rateable to the relief of the poor according to the law in force for the time being, and shall have the same powers of enforcing such calls as they now possess under the provisions of such local Act for enforcing calls or rates for the relief of the poor; and such overseers shall have the same powers for making, levying, and enforcing rates to meet and pay such calls as they now possess, either under the provisions of such local Act or the general law relating to the making, levying, and enforcing rates for the relief of the poor.

16. *Interpretation of terms.*] The words herein used shall be interpreted in the manner prescribed by the statute of the 4 & 5 Will. 4, c. 76, and the subsequent Acts amending or explaining the same, and the provisions in such Acts which apply to poor persons rendered chargeable upon the common fund by reason of their having become irremovable through the operation of the statutes in that behalf shall apply to all the poor in the union hereby chargeable upon the common fund.

17. Short title, "The Union Chargeability Act, 1865."

CAP. LXXX.

An Act to explain and amend "The Lunatic Asylum Act, 1853," and "The Lunacy Act Amendment Act, 1862," with reference to Counties of Towns which have Courts of Quarter Sessions but no Recorder.

[29th June, 1865.]

Whereas by "The Lunatic Asylum Act, 1853," county is defined to include a county of a city or county of a town, and borough is defined to mean every borough, town, and city corporate having a quarter sessions, recorder, and a clerk of the peace; and whereas by "The Lunacy Act Amendment Act, 1862," it is provided that the word "county" shall not, except in the case of the city of London, mean a county of a city or county of a town; and whereas certain counties of cities and counties of towns have quarter sessions and clerks of the peace, but no recorders, wherefore the same do not come within the provisions of "The Lunatic Asylum Act, 1853," and the Acts construed as one therewith: and whereas it is expedient to remedy such defect: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Definition of word "county" in Lunatic Asylum Acts.*] That the word "county" in "The Lunatic Asylum Act, 1853," and the several Acts, construed as one therewith,

shall be construed to include every county of a city or county of a town having quarter sessions and a clerk of the peace and no recorder.

2. *Powers of justices of such counties.*] The justices of every county of a city or county of a town having quarter sessions and a clerk of the peace, and no recorder, shall have all the powers and authorities conferred on or given to the justices of every borough not having any asylum by section 7 of "The Lunatic Asylum Act, 1853," notwithstanding such county of a city or town may have an asylum of its own: provided always that it shall not be obligatory on any such county of a city or town to keep up and maintain any such asylum from and after or during such time as it shall avail itself of the provisions of the said section.

3. This and recited Acts to be construed together.

CAP. LXXXI.

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury in the Parish of Lamborne in the County of Berks.

[5th July, 1865.]

CAP. LXXXII.

An Act to amend "The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860."

[5th July, 1865.]

Preamble reciting 23 & 24 Vict. c. 72.

1. Short title—This Act may be cited "Endowment and Augmentation of Small Benefices Act (Ireland) Amendment Act, 1865," and shall with the said recited Act, hereinafter called the original Act, constitute one Act.

2. "Church offices." In the construction of this Act the words "Church offices" shall mean marriages, burials, and churchings.

3. Patronage, &c., of newly formed benefice, on endowment of £700, may be assigned to contributor.

4. *Certain provisions of original Act extended to contracts.*] The provisions contained in the original Act or this Act for the endowment and assignment of the advowson, right of patronage of or nomination or presentation to any benefice, by the ecclesiastical person seised thereof, shall extend to a contract for the like purposes, whether entered into before or after such benefice shall be fully constituted, or before or during the building of a church for any such benefice, or previous to or after the consecration thereof, or previous to or after the appointment of an incumbent thereto.

5. *Registration and effect of contracts.*] The contract shall be by deed, and be entered in the registry of the diocese, and enrolled in the Rolls Office of the High Court of Chancery in Ireland, and thereupon such contract, so far as it is in accordance with the provisions of the original Act, and not repugnant thereto, shall be binding upon the parties to it, their heirs, executors, administrators, and successors in office, and shall without any further assignment, upon the fulfilment of the terms of the contract, and upon the provisions of the original Act being complied with, absolutely vest the patronage of the benefice contracted for in the nominees as the person or persons or body endowing the same, in such mode as may be provided by such contract and be in accordance with the original Act: provided always that every such contract shall, at the expiration of six years from its date, be null and void, unless in the meantime the provisions thereof for the endowment of the benefice shall have been fully performed.

6. Incumbent to have exclusive cure of souls.

7. *As to money given in the offertory.*] The money given in the offertory of the church of any benefice of which the patronage has been vested or assigned under this or the original Act, shall be disposed of by the incumbent and churchwardens of such church in the same manner as the money given at the offertory in any ancient parish church may be disposed of, any law or usage for the payment of the same to a mother church notwithstanding.

8. Fees for church offices.

9. Application of fees.

10. Bishop of diocese to determine proportion of fees, &c., in certain cases.

CAP. LXXXIII.

An Act for further regulating the Use of Locomotives on Turnpike and other Roads for agricultural and other Purposes. [5th July, 1865.

Whereas by the "Locomotives Act, 1861" (24 & 25 Vict. c. 70.), certain provision was made for regulating the use of locomotives on turnpike and other roads, and it is expedient that further and fuller provision should be made for that object: be it therefore enacted &c.

1. *Commencement of Act.*] This Act shall not come into operation till the 1st day of September, 1865, which day is hereinafter referred to as the commencement of the Act, and shall cease and determine on the 1st of September, 1867.

2. Sections 5, 9, 11, and 15 of 24 & 25 Vict. c. 70, repealed, and all orders made in pursuance of the said 5th section are hereby repealed.

3. *Rules for the manner of working locomotives on turnpike roads and highways as herein stated.*] In the event of a non-compliance with any of the provisions of this section, the owner of the locomotive shall, on summary conviction thereof before two justices, be liable to a penalty not exceeding ten pounds, but it shall be lawful for such owner, on proving that he has incurred such penalty by reason of the negligence or wilful default of any person in charge of or in attendance on such locomotive, to recover summarily from such person the whole or any part of the penalty he may have incurred as owner.

4. Limit of speed of locomotives on turnpike roads and highways to be four miles an hour; through towns, &c., two miles an hour, &c.

5. Size and weight of locomotives which may be used.

6. Restrictions as to the use of steam engines within twenty-five yards of roads not to apply to locomotives used for ploughing purposes.

7. Name and residence of owner to be affixed to locomotives.

8. Power to local authorities to make orders as to hours, &c., locomotives may pass through cities, &c. Penalty on acting contrary to such orders, ten pounds.

9. In Ireland the county surveyor to be deemed the conservator of the roads in his county, and proceedings for damage to be taken in his name.

10. How penalties to be recovered and applied in Ireland.

11. Sect. 41 of 25 & 26 Vict. c. 93, not to be affected.

12. Saving as to actions at law.

13. Short title, "The Locomotives Act, 1865;" and "The Locomotives Act, 1861," and this Act shall be construed together as one Act.

CAP. LXXXIV.

An Act to amend the Prisons (Scotland) Administration Act, 1860, and to explain the Fifty-second and Seventy-seventh sections of the said Act. [5th July, 1865.

Preamble reciting 23 & 24 Vict. c. 105.

1. Sect. 33 of recited Act repealed, and provision as to building assessment substituted.

2. *Interpretation of words in Sects. 52 and 77 of recited Act.*] The words "Sheriff principal of the county of Perth" in the fifty-second section of the recited Act mean and shall be held to mean the Sheriff of the said county; and in construing the seventy-seventh section of the said recited Act the expression "lands adjoining" shall be deemed to include "lands adjacent," and the expression "enlarging" shall be deemed to include "improving" or "isolating."

CAP. LXXXV.

An Act to amend the Laws relating to Procurators in Scotland. [5th July, 1865.

1. Interpretation of terms, "Inferior Court," "Procurators," "Sheriff," "Sheriff Clerk," "County."

2. No person to act as a procurator unless already or hereafter admitted pursuant to this Act.

3. Commissioners of stamps not to issue certificates except to qualified persons.

4. *Requisites to entitle persons to be admitted.*] No person shall hereafter be deemed admissible as a procurator unless he shall be of the full age of twenty-one years, and shall have been bound under an indenture in writing to serve, except as hereinafter provided, at least four years as an apprentice to a master declared by this Act to be competent, and shall have duly served his said apprenticeship by personal attendance in the office of such master or in the office of some other master to whom his indenture may have been transferred, as hereinafter provided, and unless he shall have been reported qualified for admission after an entrance examination in manner hereinafter specified: provided always that any persons who may, before the passing of this Act have served, or may be at the date thereof in course of serving an apprenticeship for a shorter term than four years, in such form as would have qualified him for admission under the provisions of the Act of Sederunt of the Lords of Council and Session, dated 10th day of July, 1839, chapter 5, shall be deemed admissible, in so far as regards apprenticeship, if he have served or shall serve, either as an apprentice or clerk to the same or some other competent master, such further term as may be sufficient, along with his previous service to complete the full term of four years, and if he shall have been reported qualified as aforesaid and such service may be instructed by a certificate under the hand of such master, or otherwise, as hereafter provided.

5. *Requisites restricted in certain cases.*] Provided also, that any person who shall have taken a degree in arts in any one of the universities of Great Britain or Ireland, or who shall be a member of any of the councils of the Scottish universities, shall be deemed admissible as a procurator, in so far as regards apprenticeship, if he shall have served an apprenticeship under indenture as aforesaid for the shorter period of three years, and such persons shall not be obliged, as a part of his entrance examination, to undergo an examination in general knowledge.

6. *Who shall be deemed a competent master.*] In reference to all apprenticeships and clerkships to be entered into in terms of this Act, any writer to the signet or solicitor before the supreme courts, or procurator or sheriff-clerk, shall be deemed a competent master in the case of a persons seeking to qualify himself as a procurator.

7. *Provision in case master of persons entering into apprenticeship, &c., dies.*] In case any master with whom any person shall have entered into any apprenticeship or clerkship as aforesaid shall, during the currency of the term of such apprenticeship or clerkship, die or become bankrupt, or cease to practise, or be unable to continue to employ such apprentice or clerk, it shall be lawful for the sheriff of the county or sheriff substitute of the county, ward, district, or division in which such apprenticeship or clerkship is being served, upon the application of such apprentice or clerk, as the case may be, to direct the indenture or agreement of clerkship to be discharged, or to authorize the term of service to be completed with any other master declared competent by this Act and named in such application, without prejudice to the voluntary transfer of any apprenticeship or clerkship to a competent master mutually agreed upon, and made in writing.

8. One year of indenture under procurator may be commuted into clerkship.

9. Indentures to be recorded and service to be certified.

10. Agreements to serve as clerk must be in writing and proved.

11. *Admission and entrance examination.*] The admission of procurators shall as heretofore proceed on the application of any duly qualified persons to the sheriff of the county within which he wishes to practise; but such applicant shall, prior to admission, except as hereinafter provided, undergo an entrance examination in regard both to general knowledge and to law, and legal training and practice, on a remit made by the sheriff to the examiners hereinafter mentioned, and no further procedure shall be had on such application until the applicant shall have been reported by the examiners qualified for admission: provided always, that no entrance examination shall be required if the applicant for admission be a writer to the signet, or a solicitor before the supreme courts, or hold a degree of bachelor of laws granted by a Scottish university after the 12th day of July, 1862; nor shall the provisions of this Act in regard to the term of service apply to, nor shall any entrance examination in gene-

ral knowledge be required from any person who is under indenture at the passing of this Act, or who may have completed the term of apprenticeship prior to the passing of this Act; provided also, that the sheriff of any county to whom an application for admission shall be made by any person who has been already admitted a procurator in another sheriff court shall be entitled to admit the said person, and also to dispense with such entrance examination, if he shall see fit, after hearing the incorporated faculty or society of procurators practising in the county, ward, district, or division in which such application is made.

12. *Mode of admission.*] On the production of the certificate of apprenticeship or of apprenticeship and clerkship, as hereinbefore provided, and of a certificate under the hands of the examiners of the applicant being duly qualified in regard both to general knowledge and to law and legal training, or of written evidence that the applicant falls within some of the exceptions hereinbefore contained, the sheriff may, unless he see cause to the contrary, admit the applicant as a procurator in his court, and such admission shall qualify the person admitted to practice therein and in all the other inferior courts held within the county; provided that where the mode of admitting procurators in any county is regulated by Royal Charter conferring exclusive privileges on any faculty or society of procurators practising in such county, or by any usage following thereon, such mode of admission shall not be altered by anything in this Act contained without the express consent of such faculty or Society.

13. Names of procurators to be registered.

14. Procurators may form societies when number is ten or upwards.

15. How to be incorporated when number less than ten.

16. *Powers of incorporated faculties and societies.*] Every faculty or society of procurators already incorporated, or which shall, after the passing of this Act be incorporated in terms thereof, shall from time to time, subject to the approval of the sheriff, issue regulations for the preliminary examination in the elements of general knowledge of persons desirous of entering into indentures of apprenticeship with any procurator of their court or the sheriff's clerk, and without such examination, and the person undergoing the same being reported qualified, such indenture shall be of no force or effect for the purpose of admission as aforesaid; and such society may also, if it sees fit, subject in like manner to the approval of the sheriff, impose a curriculum of legal study on the apprentices serving their time to the members of such faculty or society, and may institute compulsory examination in law and in legal training and practice of such apprentices at the end of the second, third, and fourth years of their apprenticeship, under such regulations as to extending the period of apprenticeship, in case of failure satisfactorily to undergo such examinations as may be established by and under authority of the general council hereinafter appointed, and any society hereafter to be incorporated may establish a fund for the benefit of indigent members and of the widows and children of members, and provide for the use of the members of the society a law library, to be managed in such manner as may be settled by the bye-laws, and for these and other purposes may exact payment of such entrance fees from parties applying to be admitted as procurators, and such annual contribution from each member of the society, as may from time to time be fixed by the society, and be approved of by the sheriff as aforesaid; and in counties where no such society exists it shall be in the power of the sheriff to order and enforce the preliminary and intermediate examinations aforesaid.

17. *General council.*] The dean, president, or other chief officer bearer of each of the several faculties or societies of procurators already incorporated, or which shall, after the passing of this Act be incorporated, in terms thereof, or in his absence the sub-dean, vice-president, or other member of such faculty or society elected to act in his place, shall form a general council of procurators for the purpose of exercising the powers conferred upon them by this Act, and shall meet at least once in each year at such time and place as may be fixed in manner hereinafter provided, any five members of such general council being a quorum.

18. General council to meet and frame bye-laws.

19. Office bearers and time and place of future meetings to be appointed.

20. Power to general council to prescribe a curriculum of legal study, and frame regulations as to subjects, &c.

21. Such regulations to be submitted to sheriff's convened as by 1 & 2 Vict. c. 119, and approved by lord president, lord justice clerk, and judges of the court of session.

22. General council to fix time and place and fees of examinations.

23. *Expenses of general council, how to be provided for.*

The general council may, from time to time, exact such contributions from the various faculties and societies already incorporated or to be incorporated under this Act, as shall be required for the necessary expenditure of the general council and office bearers thereof, and that as nearly as may be in proportion to the numbers of members of such faculties or societies, and may recover payment of such contributions by action at law, to be brought in name of their president or of any of their office bearers, whom they may appoint for that purpose, an account of which contributions and expenditure shall be made up annually, and copies transmitted to the dean, president, or other chief officer of every such faculty or society.

24. *How procurator may be suspended from practice or struck off register.*] No person who has been admitted a procurator in terms of this Act shall be liable to have his admission challenged or set aside on any ground except fraud; reserving, nevertheless, to and empowering the sheriff of each county, ward, district, or division as aforesaid, on a written complaint made and shown to him by any incorporated faculty or society of procurators practising in his court, and where there is no such faculty or society, then by any three or more procurators practising in such court, to call before him, on six days *inducie*, and thereafter, whether with or without compareance, to suspend from practice, or to strike off the register, the name of any procurator registered in his court whom he may deem guilty of gross misconduct, which sentence shall contain within itself a statement of the facts and grounds on which it proceeded, and shall be subject to review and stay of execution only by petition of appeal, to be presented, within six months from the date of such sentence, to the Inner House of the Court of Session sitting in either division, who may hear any person interested thereon, and may confirm or reverse the sentence of the sheriff, with or without further inquiry, without prejudice to the sheriff and sheriff substitute exercising all powers competent to them at common law in such matters.

25. Power to procurators to complain to the sheriff of unqualified procurators. Penalty on procurator lending his name to unqualified person's suspension or removal from register.

26. *Effects of sheriff's sentence.*] The sentence of any sheriff striking a procurator off the register shall entitle any incorporated faculty or society as aforesaid of which he is a member to expel him from the body, and he shall thereupon forfeit all his rights and privileges as a member thereof, except his right to a share of any fund for behoof of widows or children: provided that during the period allowed for appeal as aforesaid, and during the dependence of such appeal, the party against whom the sheriff's sentence shall stand shall be disabled from exercising any of the rights, functions, and privileges of a procurator.

27. Nothing to prejudice privileges of the Society of Writers to Her Majesty's Signet, Society of Solicitors in the supreme courts, the Society of Solicitors at Law, Edinburgh, the Faculty of Procurators in Glasgow, the Faculty of Procurators in Paisley, or the Society of Advocates in Aberdeen, or any other such faculty or society holding a Royal charter.

28. Saving rights of agents in the Court of Session, solicitors, or attorneys, on behalf of her Majesty, under the orders or directions of the Commissioners of the Treasury, Customs, Inland Revenue, or under the orders or directions of any commissioners or other persons or person having the management of any other branch of her Majesty's revenue for the time being, or under the authority of any Act of Parliament, and of any person now holding, or who may hereafter be appointed to the office of procurator fiscal in any inferior court.

29. *Saving rights of notaries public.*] Nothing in this Act contained shall prejudice the rights and privileges of notaries public, or affect the manner of their admission to office.

30. Short title, "The Procurators (Scotland) Act, 1865."

CAP. LXXXVI.

An Act to amend the Law of Partnership.

[5th July, 1865.]

Whereas it is expedient to amend the law relating to partnership: be it therefore enacted, &c.

1. *The advance of money on contract to receive a share of profits not to constitute the lender a partner.*] The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

2. *The remuneration of agents, &c., by share of profits not to make them partners.*] No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking, by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

3. *Certain annuitants not to be deemed partners.*] No person, being the widow or child of the deceased partner of a trader, and receiving, by way of annuity, a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of, or to be subject to, any liabilities incurred by such trader.

4. *Receipt of profits in consideration of sale of goodwill not to make the seller a partner.*] No person receiving, by way of annuity or otherwise, a portion of the profits of any business, in consideration of the sale by him of the goodwill of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to the liabilities of, the person carrying on such business.

5. *In case of bankruptcy, &c., lender not to rank with other creditors.*] In the event of any such trader as aforesaid being adjudged a bankrupt, or taking the benefit of any Act for the relief of insolvent debtors, or entering into an arrangement to pay his creditors less than twenty shillings in the pound, or dying in insolvent circumstances, the lender of any such loan as aforesaid shall not be entitled to recover any portion of his principal, or of the profits or interest payable in respect of such loan, nor shall any such vendor of a goodwill as aforesaid be entitled to recover any such profits as aforesaid, until the claims of the other creditors of the said trader for valuable consideration in money or money's worth have been satisfied.

6. *Interpretation of "person."*] In the construction of this Act the word "person" shall include a partnership firm, a joint-stock company, and a corporation.

CAP. LXXXVII.

An Act to enable Her Majesty's Postmaster-General to acquire a Site for the Extension of the General Post Office in St. Martin's-le-Grand in the City of London.

[5th July, 1865.]

CAP. LXXXVIII.

An Act for the recording of Titles to Land in Ireland.

[5th July, 1865.]

CAP. LXXXIX.

An Act to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof. [5th July, 1865.]

Whereas it is expedient to make further provision for the protection of life and property from fire within the metropolis: be it enacted, &c.

CAP. XC.

An Act for the establishment of a Fire Brigade within the Metropolis.

[5th July, 1865.]

Preliminary

1. Short title, "Metropolitan Fire Brigade Act, 1865."

2. Definition of "Metropolis" and "Insurance company."

3. Definition of "Metropolis Local Management Acts." The expression "Metropolis Local Management Acts" shall mean the Acts following; that is to say, "The Metropolis

Management Act, 1855," "The Metropolis Management Amendment Act, 1856," and "The Metropolis Management Amendment Act, 1862."

Establishment and Duties of Fire Brigade.

4. *Duty of Metropolitan Board in relation to fires.*] On and after the 1st day of January, 1866, the duty of extinguishing fires and protecting life and property in case of fire shall, within the metropolis, be deemed, for the purposes of this Act, to be entrusted to the Metropolitan Board of Works; and with a view to the performance of that duty it shall be lawful for them to provide and maintain an efficient force of firemen, and to furnish them with all such fire engines, horses, accoutrements, tools, and implements, as may be necessary for the complete equipment of the force, or conducive to the efficient performance of their duties.

5. *Purchase of buildings and land.*] The said board, hereinafter referred to as the board, may take on lease, purchase, or otherwise acquire stations for engines, stables, houses for firemen, and such other houses, buildings, or land, as they may think requisite for carrying into effect the purposes of this Act, and may, from time to time, sell any property acquired by or vested in them for the purposes of this Act.

The board may also contract with any company or persons authorized to establish the same for the establishment of telegraphic communication between the several stations in which their fire engines or firemen are placed, and between any of such stations and other parts of the metropolis.

6. On and after the said 1st day of January, 1866, all stations, fire engines, fire escapes, plant, and other property belonging to or used by the fire engine establishment of the insurance companies in the metropolis shall vest in or be conveyed or assigned to the board for all the estate and interest of the said companies therein, upon trust to be applied by the board to the purposes of this Act, but subject to all legal liabilities and obligations attaching thereto, including the payment of all pensions that have been granted to the members of the said fire engine establishment.

7. *Constitution of fire brigade.*] The force of firemen established under this Act, hereinafter called the Metropolitan Fire Brigade, shall be under the command of an officer, to be called the chief officer of the Metropolitan Fire Brigade.

The chief officer and men composing the said fire brigade shall be appointed and removed at the pleasure of the board.

8. Salaries of fire brigade.

9. The board may by bye-laws make regulations for the training, discipline, and good conduct of the men belonging to the said fire brigade, and generally for the maintenance in a due state of efficiency of the said brigade, and may annex to any breach of such regulations, penalties not exceeding in amount forty shillings, but no bye-law under this section shall be of any validity unless it is made and confirmed in manner directed by the Metropolis Local Management Acts; and all the provisions of the said Acts relating to bye-laws shall, with necessary variations, apply to any bye-laws made in pursuance of this Act.

10. Compensation to parish officers.

11. The board may make such arrangements as they think fit as to establishing fire escapes throughout the metropolis. They may for that purpose contribute to the funds of the Royal Society for the Protection of Life from Fire, or of any existing society that provides fire escapes, or may purchase or take by agreement the property of any existing society in their stations and fire escapes, and generally may maintain such fire escapes and do such things as they think expedient towards aiding persons to escape from fire; and any expenses incurred by them in pursuance of this section shall be deemed to be expenses incurred in carrying into effect this Act.

12. *As to powers of fire brigade.*] On the occasion of a fire the chief or other officer in charge of the fire brigade may, in his discretion, take the command of any volunteer fire brigade or other persons who voluntarily place their services at his disposal, and may remove, or order any fireman to remove, any persons who interfere by their presence with the operations of the fire brigade, and generally he may take any measures that appear expedient for the protection of life and property, with power by himself or his men to break into or through, or take possession of, or pull down any premises for the purpose of putting an end to a fire, doing

as little damage as possible; he may also on any such occasion cause the water to be shut off from the mains and pipes of any district, in order to give a greater supply and pressure of water in the district in which the fire has occurred; and no water company shall be liable to any penalty or claim by reason of any interruption of the supply of water occasioned only by compliance with the provisions of this section.

All police constables shall be authorized to aid the fire brigade in the execution of their duties. They may close any street in or near which a fire is burning, and they may of their own motion, or on the request of the chief or other officer of the fire brigade, remove any persons who interfere by their presence with the operations of the fire brigade.

Any damage occasioned by the fire brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Expenses.

13. Every insurance company that insures from fire any property in the metropolis shall pay annually to the Metropolitan Board of Works, by way of contribution toward the expenses of carrying this Act into effect, a sum after the rate of thirty-five pounds in the one million pounds on the gross amounts insured by it, except by way of re-assurance, in respect of property in the metropolis for a year, and at a like rate for any fractional part of a million, and for any fractional part of a year as well as for any number of years for which the insurance may be made, renewed, or continued.

14. *Mode of enforcing contributions.* All contributions due from an insurance company to the board in pursuance of this Act shall be deemed to be specialty debts due from the company to the board, and may be recovered accordingly.

15. *Mode of ascertaining proportions of contribution.*

16. Penalty on insurance company not making return to be five pounds for every day during which it is so in default.

17. *Examination of books of insurance companies.* The secretary or other officer having the custody of the books and papers of any insurance company that is required to pay a contribution to the board in pursuance of this Act, shall allow any officer appointed by the board to inspect, during the hours of business, any books and papers that will enable him to ascertain the amount of property insured by such company in the metropolis, and the amount for which it is insured, and to make extracts from such books or papers; and any secretary or other such officer as aforesaid of a company failing to comply with the requisitions of this section in respect of such inspections and extracts, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

18. The Commissioners of her Majesty's Treasury shall pay or cause to be paid to the board by way of contribution to the expenses of maintaining the fire brigade such sums as Parliament may from time to time grant for that purpose, not exceeding in any one year the sum of £10,000.

19. *Expenses of Act not specially provided for.* For the purpose of defraying all expenses that may be incurred by the board in carrying into effect this Act which are not otherwise provided for, the board may from time to time issue their precepts to the overseers of the poor of every parish or place within the metropolis, requiring the overseers to pay over the amount mentioned in the precepts to the treasurer of the board, or into a bank to be named in the precepts, within forty days from the delivery of the precept.

The overseers shall comply with the requisitions of any such precept by paying the sums mentioned out of any monies in their hands applicable to the relief of the poor, or by levying the amount required as part of the rate for the relief of the poor, but no contribution required to be paid by any parish or place under this section shall exceed in the whole in any one year the rate of one halfpenny in the pound on the full and fair annual value of property rateable to the relief of the poor within the said parish or place, such full and fair annual value to be computed in all parts of the metropolis, exclusive of the city of London, according to the last valuation for the time being acted on in assessing the county rate, or, where there is no county rate, according to a like estimate or basis; and no liberty, precinct, or place shall be exempt from the rate leviable for the purposes of this Act by reason of its being extra-parochial or otherwise; and in default of proper officers in any liberty, precinct, or place

to assess or levy the said rate, the board may appoint such officers, and add the amount of any expenses so incurred to the amount to be raised by the next succeeding rate in such liberty, precinct, or place.

Overseers shall, for the purpose of levying any amount required to be levied by them under this Act, have the same powers and be subject to the same obligations as in levying a rate for the relief of the poor.

20. Penalty on non-payment of rate by overseers.

21. Power to board, with consent of Treasury, to borrow not exceeding £40,000.

22. Power to turn discharged officers or men out of houses provided for them.

23. *Penalty where chimneys are on fire.* If the chimney of any house or other building within the metropolis is on fire, the occupier of such house or building shall be liable to a penalty not exceeding twenty shillings; but if such occupier proves that he has incurred such penalty by reason of the neglect or wilful default of any other person, he may recover summarily from such person the whole or part of the penalty he may have incurred as occupier.

24. *Recovery of penalties.* All penalties imposed by this Act, or by any bye-law made in pursuance thereof, and all expenses and other sums due to the board in pursuance of this Act, in respect of which no mode of recovery is prescribed, may be recovered summarily before two justices in manner directed by 11 & 12 Vict. c. 43, or any Act amending the same, and when so recovered shall be paid to the treasurer of the board, notwithstanding any police Act or other Act of Parliament directing a different appropriation of such monies.

25. *Summary proceedings for determining certain matters.* Any dispute or other matter which is by this Act directed to be determined summarily by two justices, shall be deemed to be a matter in respect of which a complaint is made, upon which they have authority by law to make an order for payment of money within the meaning of the said Act, 11 & 12 Vict. c. 43, or any Act amending the same.

26. *Extension of powers given to two justices.* Any Act, power, or jurisdiction, hereby authorized to be done or exercised by two justices, may be done or exercised by the following magistrates within their respective jurisdictions; that is to say, by any metropolitan police magistrate sitting alone at a police court or other appointed place, or by the Lord Mayor of the city of London, or any alderman of the said city, sitting alone or with others at the Mansion House or Guildhall.

27. Audit of accounts and report by board.

28. Power to delegate powers of board to a committee.

29. Establishment of salvage force by insurance offices.

30. *Brigade when employed beyond the metropolis, or on special services.* It shall be lawful for the board, when occasion requires, to permit any part of the fire brigade establishment, with their engines, escapes, and other implements, to proceed beyond the limits of the metropolis for the purpose of extinguishing fires. In such case the owner and occupier of the property where the fire has occurred shall be jointly and severally liable to defray all the expenses that may be incurred by the fire brigade in attending the fire, and shall pay to the board a reasonable charge for the attendance of the fire brigade, and the use of their engines, escapes, and other implements. In case of difference between the board and the owner and occupier of such property, or either of them, the amount of the expenses, as well as the propriety of the fire brigade attending such fire (if the propriety thereof be disputed), shall be summarily determined by two justices. In default of payment any expenses under this section may be recovered by the board in a summary manner.

The board may also permit any part of the fire brigade establishment to be employed on special services upon such terms of remuneration as the said board may think just.

31. Board to send information of fires to offices.

32. Transfer to board of powers of parishes as to fire-plugs.

33. *Definition of "owner."* "Owner" in this Act shall mean the person for the time being receiving the rackrent of the premises in connection with which the word is used either on his own account or as agent or trustee for some

aforesaid, such charter-party or document shall not be good, valid, or available for any purpose whatever: provided always, that if any charter-party or other such document as aforesaid which shall be brought to the commissioners of Inland Revenue to be stamped within the respective times hereinafter mentioned after the same shall bear date and shall have been first signed, the commissioners shall stamp the same with an impressed stamp on the following terms (that is to say), if within seven days, on payment of the duty and four shillings and sixpence; and if after that time, and within one calendar month after such date and first signing, then on payment of the duty and the sum of ten pounds; but after the expiration of the last-mentioned period it shall not be lawful to stamp such charter-party or other document as aforesaid on any pretence whatever: provided always, that if any charter-party, whether printed or written, shall be first signed by any party thereto out of the United Kingdom, such charter-party being unstamped, it shall be lawful for any party thereto within ten days after it shall have been received in this kingdom, and before the same shall have been signed by any person here, to affix thereto an adhesive stamp denoting the duty chargeable thereon, and to cancel such stamp by writing across the same his name and the date when he shall so affix such stamp, and thereupon such charter-party shall be deemed to be duly stamped.

8. Duty on certain time policies of sea insurance reduced as follows:—

	Duty. £ s. d.		
Where any insurance shall be made upon or in relation to any ship or vessel lying or being in any dock, harbour, or river for any certain term or period of time not exceeding one calendar month	0	0	6
And where any such insurance as aforesaid shall be made for any term or period of time exceeding one month, and not exceeding three months, and also where any insurance shall be made upon or in relation to any ship or vessel lying or being elsewhere than as aforesaid for any term or period of time not exceeding three months.....	0	1	0
And where any insurance shall be made upon or in relation to any ship or vessel, whosoever the same may be, for any term or period of time exceeding three months and not exceeding six months ...	0	2	0
Exceeding six months	0	4	0
And any sea insurance made for or upon a voyage, and also for any certain term or period of time, or to extend to or cover any certain term or period of time beyond twenty-four hours after the ship shall have arrived at her destination, and been there moored at anchor, is hereby declared to be an insurance for a certain term or period of time as well as an insurance made upon a voyage, and the policy to be chargeable with duty accordingly.			

9. Limitation of time for making application for allowance of stamp duty on policies of re-assurance repealed.

10. Reciting that by 55 Geo. 3, c. 184, and 23 & 24 Vict. c. 111, certain duties were imposed on the policies therein mentioned, enacts that, so far as they relate to any insurance on which duties are imposed by this Act, there shall be charged and paid for and upon any policy of assurance whereby any lawful insurance not chargeable with stamp duty as life assurance, fire assurance, or sea assurance, shall be made upon any property or interest whatever from loss or damage of any kind, or whereby any sum of money shall be assured or agreed to be paid only upon the death of any person from accident or violence or otherwise than from a natural cause, or as compensation for a personal injury, or whereby any sum of money shall be assured or agreed to be paid as for loss or damage or compensation for or indemnity against loss or damage arising from or consequent upon the happening of any accident, the following duties (that is to say):—

	£ s. d.		
If the premium or consideration for such assurance shall not exceed 2s. 6d.	0	0	1
And if the same shall exceed 2s. 6d. and shall not exceed 5s.	0	0	3
And if the same shall exceed 5s., then for every 5s., and also for any fractional part of 5s. of such premium or consideration...	0	0	3

And where any such assurance as aforesaid shall be made on such terms or conditions that the rates of duty aforesaid cannot be applied to the same or the policy charged therewith, then, in lieu of the foregoing rates of duty, there shall be charged and paid upon such policy in respect of the amount of the sum insured the same rate of stamp duty as is now chargeable by law on a policy of life assurance.

11. Accidental death policy not to be chargeable as life assurance. Duties payable by the Railway Passengers Assurance Company not repealed or altered.

12. Section 8 of 23 & 24 Vict. c. 111, and section 29 of 24 & 25 Vict. c. 91, repealed.

13. Provisions for preventing frauds in relation to the stamp duties imposed by this Act on policies of insurance.

14. The term "assurance" used in this Act shall mean and include insurance, and the term "policy" shall mean and include any agreement or other instrument, by whatever name the same shall be called, whereby any such assurance as aforesaid shall be made or agreed to be made.

15. Policies and instruments of insurance made abroad on behalf of insurers in the United Kingdom chargeable with stamp duty. Policies executed abroad to be brought to be stamped within two months after being received in the United Kingdom.

16. Receipts given for sums deposited on allotments of shares, or for calls on scrip or shares, not to be exempted from Stamp Duty.

17. Stamp duties on transfers of mortgages or wadset, or other such security, to be for every £100 or any fractional part of £100 of the amount or value of the principal money or stock already secured by such mortgage, wadset, or other such security as aforesaid, thereby transferred or assigned or disposed, the duty of sixpence; and if any further sum of money or stock shall be added to the principal money or stock already secured as aforesaid, there shall be charged and paid also the same duty as on a mortgage or wadset for the amount or value of such further money or stock.

18. Hawkers' licences may be renewed before expiration, and new licence to stand in place of licence surrendered.

19. No stamp duty shall be chargeable upon the first grant or appointment of any person to the office or employment of outdoor officer, boatman, waterman, or watchman in the service of the customs, or upon any commission or deputation granted to him in pursuance of such appointment.

20. No declaration required to be made pursuant to any Act relating to marriages in order to a marriage without licence shall be chargeable with any stamp duty.

21. Stamp duties on certificates of marriage and of having received the Holy Sacrament repealed.

22. Appeals against adjudications on stamp duties may be heard in Scotland and Ireland.

23. British spirits in warehouses may be transferred on production of delivery order.

24. Section 122 of 23 & 24 Vict. c. 114, repealed.

25. In the case of any complaint brought before the Commissioners of Inland Revenue or justices of the peace respectively by virtue of the provisions contained in the 27th section of 4 & 5 Will. 4, c. 51, in respect of any matter or thing which may be the subject of complaint under the said section, if the complainant, or the solicitor, collector, or supervisor to whom notice of such complaint is by law required to be given in such case, shall feel aggrieved by the judgment and determination of the said commissioners or justices respectively, it shall be lawful for either party aggrieved thereby to appeal from such judgment and determination in like manner, and upon giving such notices, and upon such terms, conditions, and regulations (so far as the same shall be applicable), as are prescribed in cases of appeals by the several Acts passed respectively in the 7 & 8 Geo. 4, c. 53, the 4 & 5 Will. 4, c. 51, and the 4 Vict. c. 20; provided that no such appeal shall be allowed when the sum in dispute shall not exceed fifty pounds.

26. Persons convicted of the illegal manufacture of goods liable to excise duty may be afterwards sued for collateral penalties under section 33 of 7 & 8 Geo. 4, c. 53.

27. Liquids containing purified methylic alcohol to be

deemed low wines for distilling purposes, and persons distilling the same to be deemed distillers.

28. Preparation of methylic alcohol for distilling spirit to be carried on only in a licensed distillery.

29. Rules and regulations under which the distilling of spirits from such low wines is to be carried on. Spirits to be chargeable with excise duty.

30. No contract to be made or entered into pursuant to the Highway Acts for or relating to the making, maintaining, or repairing of highways shall be chargeable with any higher stamp duty than sixpence.

CAP. XCVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [5th July, 1865.

1. Whereas divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have qualified themselves according to 1 Geo. 1, s. 2, c. 13, 9 Geo. 4, c. 17, 10 Geo. 4, c. 7, 1 & 2 Vict. c. 5, 1 & 2 Vict. c. 15, 8 & 9 Vict. c. 52, 21 & 22 Vict. c. 48, have, through ignorance of the law, absence, or some unavoidable accident, omitted to qualify themselves, within such time and in such manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities.

Be it enacted, &c.

1. Persons who have omitted to qualify themselves as required by the recited Acts to be indemnified, and allowed until March 25, 1866, or the end of the then session of Parliament.

2. Indemnity to those who have omitted to make and subscribe the oaths and declaration required by the Irish Act, 2 Anne, c. 6.

3. Not to indemnify persons against whom final judgment has been given.

4. Admissions to corporations may be stamped after the time allowed.

5. Not to restore persons to any office avoided by judgment.

6. *General issue.* In case any action, suit, bill of indictment, or information shall, after the passing of this Act, be brought against any person meant to be indemnified, such person may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon.

CAP. XCVIII.

An Act to allow British Compounded Spirits to be warehoused upon Drawback. [5th July, 1865.

CAP. XCIX.

An Act to confer on the County Courts a limited Jurisdiction in Equity. [5th July, 1865.

1. *Jurisdiction in equity to be exercised in county courts in certain suits and matters.* The county courts held by virtue of an Act passed in the session of Parliament holden in the 9 & 10 Vict. c. 95, shall have and exercise all the power and authority of the High Court of Chancery in the suits or matters hereinafter mentioned; that is to say,

1. In all suits by creditors, legatees (whether specific, pecuniary, or residuary), devisees (whether in trust or otherwise), heirs-at-law, or next of kin, in which the personal or real, or personal and real estate, against or for an account or administration of which the demand may be made shall not exceed in amount or value the sum of £500 :

2. In all suits for the execution of trusts in which the trust estate or fund shall not exceed in amount or value the sum of £500 :

3. In all suits for foreclosure or redemption, or for enforcing any charge or lien, where the mortgage, charge, or lien shall not exceed in amount the sum of £500 :

4. In all suits for specific performance, or for the delivering up or cancelling any agreement for the sale or

purchase of any property, where the purchase-money shall not exceed the sum of £500 :

5. In all proceedings under the Trustees Relief Acts, or under the Trustee Acts, or under any of such Acts, in which the trust estate or fund to which the proceeding relates shall not exceed in amount or value the sum of £500 :

6. In all proceedings relating to the maintenance or advancement of infants in which the property of the infant shall not exceed in amount or value the sum of £500 :

7. In all suits for the dissolution or winding-up of any partnership in which the whole property, stock, and credits of such partnership shall not exceed in amount or value the sum of £500 :

8. In all proceedings for orders in the nature of injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given by this Act to the county court, or for stay of proceedings at law to recover any debt provable under a decree for the administration of an estate made by the Court to which the application for the order to stay proceedings is made.

2. *In matters under this Act, judge and officers of the county courts to have the powers and authorities of a judge and officers of the Court of Chancery.* In all such suits or matters the judge of a county court shall, in addition to the powers and authorities now possessed by him, have all the powers and authorities, for the purposes of this Act, of a judge of the High Court of Chancery; and the treasurer, registrar, and high bailiff shall, in all matters in which the county court has jurisdiction under this Act, discharge any duties which an officer of the Court of Chancery can discharge, either under the order of a judge of such court or the practice thereof, and all officers of the county courts shall, in discharging such duties, conform to any rules or orders to be framed as hereinafter provided.

3. *Power to a vice-chancellor to order transfer of suits from county court to Court of Chancery.* Any one of the Vice-Chancellors, on the application at chambers of any party to any suit or matter pending under this Act, shall have power, then and there, or, if he shall think fit, after hearing a summons served upon the other party or parties, to transfer the same to the Court of Chancery, upon such terms, if any, as to security for costs or otherwise, as he may think fit.

4. *City Small Debts Court to have same jurisdiction in all matters as a metropolitan county court.* The judge and officers of the Court held under the provisions of "The London (City) Small Debts Extension Act, 1852," hereinafter called the "City Court," shall respectively have and exercise the like jurisdiction, powers, and authorities in all respects, except the power of appointing officers, as are for the time being possessed and exercised by the judge and officers respectively of a metropolitan county court; and the chief clerk and the chief bailiff of the City Court shall henceforth be respectively styled the registrar and high bailiff thereof, the word "registrar" being interpreted to include the assistant clerks, and the words "high bailiff" the bailiffs of the City Court; and the fees which may be from time to time taken in a county court in any proceeding in which jurisdiction is hereby given to the judge and officers of the City Court shall be taken in the City Court, and shall be paid into the general fund thereof, and the judge and officers of the City Court shall, out of the said general fund, be respectively paid additional salaries of such amount as the mayor, aldermen, and commons of the City of London, in common council assembled, from time to time shall think fit to direct, and such judge and officers of the City Court shall conform to the rules and orders made under the authority of this Act.

5. *Power to judge of a county court to order any legacy, &c. to which an infant or person beyond the seas may be entitled, to be paid into the Bank of England, in accordance with provisions of section 32 of 36 Geo. 3, c. 52.* Any legacy or sum of money to which any person who is an infant or absent beyond seas may be found or declared entitled by any County Court in any suit or matter under this Act may be ordered by the Court to be paid to the Accountant-General of the Court of Chancery, in accordance with the provisions of section 32 of 36 Geo. 3, c. 52; and the person ordered to pay the same shall, within such time as the Court shall direct, produce to the registrar of the Court the cer-

tificate of the Accountant-General of the payment of such money; and if default be made in such payment the judge may direct a warrant of execution to issue to the high bailiff of the court, who by such warrant shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels of such person a sum of money equal in amount to the sum which he was ordered to pay to the said Accountant-General and to the costs incurred by reason of such default, and the sum so levied shall be paid to, and be receivable by, the said Accountant-General under the direction of the Court; and all amounts so paid or transferred into the Court of Chancery, with any dividends thereon, shall be paid or transferred to the person or persons entitled thereto, or otherwise applied for his or their benefit, on application by summons to one of the Vice-Chancellors while sitting at chambers.

6. *Act not to impair jurisdiction of Stannaries Court.*] Nothing in this Act contained shall be construed to impair the jurisdiction of the Stannaries Court, or to give authority to any county court judge to entertain jurisdiction in any case to which the equitable jurisdiction of the said Court at present extends.

7. *Provisions of County Court Acts as to juries, suitors, and witnesses, extended to suitors and witnesses under this Act.*] Whenever it is required that a jury should be summoned for the trial of any matter arising out of the jurisdiction given to the county courts by this Act, it shall be summoned from the list of jurors in the possession of the registrar of the county court in which the suit or matter has been brought; and all the enactments relating to the summoning, impanelling, and swearing of a jury in a county court, and to the number of the jury and the unanimity of their verdict, shall apply to every jury summoned under this Act; and the duties and obligations of and upon all jurors, suitors, and witnesses, and their liability to penalty and punishment shall, in any proceeding under this Act, be the same as those created, authorised, and imposed by the several statutes now in force relating to county courts.

8. *Power to enforce judgments of county courts in equity.*] For the due execution of any judgment, decree, or order made under the authority of this Act, or of the rules and orders to be framed as hereinafter provided, the Court shall have power to order, and the registrar upon such order shall have authority to seal and issue, and the high bailiff to execute, any writ or warrant of possession, writ or warrant of execution, or other process of execution for carrying into effect any judgment, decree, or order of the said Court; and such writs, warrants, and processes shall be in the form and executed at the time and in the manner to be set forth in the rules and orders to be framed as hereinafter provided.

9. *Where amount of subject-matter of suit exceeds limit of the jurisdiction of county court, suit may be remitted to Court of Chancery, &c.*] If during the progress of any suit or matter it shall be made to appear to the Court that the subject-matter exceeds the limit in point of amount to which the jurisdiction of the county courts is hereby limited, it shall not affect the validity of any order or decree already made, but it shall be the duty of the Court to direct the said suit or matter to be transferred to the Court of Chancery, and thereupon the said suit or matter shall proceed in such one of the vice-chancellor's courts as the Lord Chancellor may by general order direct; and such vice-chancellor shall have power to regulate the whole of the procedure in the said suit or matter when so transferred: provided always, that it shall be lawful for any party to apply to such vice-chancellor at chambers for an order authorizing and directing the suit or matter to be carried on and prosecuted in the county court, notwithstanding such excess in the amount of the limit to which jurisdiction in the matter is hereby given to the county courts; and the vice-chancellor, if he shall deem it right to summon the other parties or any of them to appear before him for that purpose, after hearing such parties, or on default of the appearance of all or any of them, shall have full power to make such order.

10. *In what courts proceedings shall be taken.*] With respect to the court in which proceedings in equity shall be taken—

1. Proceedings under this Act which relate to the recovery or sale of any mortgage, charge, or lien on lands, tenements, or hereditaments shall be taken in that county court within the district of which the lands,

tenements, or hereditaments, or any part thereof, are situate:

2. Proceedings under the Trustee Acts, 1850 and 1852, shall be taken in the county court within the district of which the persons making the application, or any of them, reside or resides:
3. Proceedings for the administration of the assets of a deceased person shall be taken in the county court within the district of which the deceased person had his last place of abode in England, or in which the executors or administrators, or any one of them, shall have their or his place of abode:
4. Proceedings in partnership cases shall be taken in the county court within the district of which the partnership business was or is carried on:
5. Proceedings for the specific performance or the delivery up or cancelling of agreements shall be taken in the county court within the district of which the defendants, or any one of them, reside or resides, or carry on or carries on business:
6. Proceedings in any suit or other matter under this Act, which are not otherwise provided for, shall be taken or instituted in the county court within the district of which the defendants, or any or either of them shall reside or carry on business.

11. *As to transfer of suit from one county court to another.*] If during the progress of a suit or matter it shall be made to appear to the Court that the same could be more conveniently prosecuted in some other county court, it shall be competent for the Court to transfer the same to such other county court, and thereupon the suit or matter shall proceed in such other county court.

12. *Remuneration of registrars and high bailiffs in matters of equity.*] The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under the jurisdiction in equity given to the Courts by this Act, by receiving for their own use such fees as may be from time to time authorized to be taken by any orders to be made by the Commissioners of the Treasury, with the consent of the Lord Chancellor; and the Commissioners of the Treasury are hereby authorized and empowered, with such consent as aforesaid, from time to time to make such orders.

13. *Certain fees to be taken, and to be paid over to the Consolidated Fund, and the salaries of the judges to be increased by £300 a-year.*] In addition to the fees to be authorized to be taken by order of the Commissioners of Her Majesty's Treasury as aforesaid, there shall be paid by the suitors the several fees which are specified and set forth in the schedule to this Act, or such further or other fees as the said Commissioners, with the consent of the Lord Chancellor, shall from time to time by order direct, which fees shall be received by the registrar of the court, and accounted for and paid over by him to the treasurer of the Court, who shall, at such times as the said Commissioners shall direct, pay such fees into the Bank of England to the credit of the Paymaster-General, to be by him paid over to the credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the salaries paid out of such fund to the judges of the county courts shall be increased by £300 a-year: provided always that the salary of the successor to any judge who under this Act shall receive a larger salary in the whole than £1,500 shall not exceed £1,500: provided also, that if any judge heretofore appointed shall resign his office by reason of any permanent infirmity before he shall have received or become entitled to receive the increased amount of salary payable to him under this Act for the full period of five years, any annuity which the Lord Chancellor may recommend to be paid to him upon such retirement shall be calculated with reference to the average amount of salary received or receivable by him for the five years next preceding the date of such retirement, and not with reference to the yearly salary which he shall be entitled to as a judge of county court at the time of presenting his petition for the grant of an annuity.

14. *Judge not obliged to hold courts in the month of September.*] No judge of any county court shall be obliged to hold any courts during the month of September in any year, unless he shall be ordered by the Lord Chancellor so to do; and if any judge shall be desirous of holding courts in the said month of September, and of being relieved from the obligation to do so at some other period of the year, it shall

be lawful for such judge, with the sanction of the Lord Chancellor, to close the courts upon his circuit for any period or periods of time of which the Lord Chancellor shall approve, not exceeding in the whole four weeks in any one year : provided always that every county court shall always be open for the receipt and payment out of money due under any order of the Court, pursuant to the rules and orders in force for the time being, or for any proceeding in bankruptcy before the registrar.

15. *As to registry of judgments in London.*] Such of the judgments and decrees as may be directed by any rule or order shall be registered with the registrar of county court judgments in London in such manner as may be therein directed.

16. *Power to frame rules and orders under 19 & 20 Vict. c. 108.*] The county court judges appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts, and forms of proceeding therein, under the 32nd section of an Act passed in the 19 & 20 Vict. c. 108, shall frame the rules and orders for regulating the practice of the county courts under this Act, and forms of proceedings therein, and from time to time amend such rules, orders, and forms ; and such rules, orders, and forms, or amended rules, orders, and forms, certified under the hands of such judges, or of any three or more of them, shall be submitted to the Lord Chancellor, who may allow or disallow or alter the same, and so from time to time ; and the rules, orders, and forms, or amended rules, orders, and forms, so allowed or altered, shall, from a day to be named by the Lord Chancellor, be in force in every county court.

17. *Scale of costs to be framed by the judges.*] The county court judges mentioned in the last section shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings which are herein authorized to be taken, and from time to time to amend such scale ; and such scale or amended scale, certified under the hands of such judges or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same ; and the scale or amended scale so allowed or altered shall, from a day to be named by the Lord Chancellor, be in force in every county court.

18. *Parties aggrieved may appeal.*] If any party in a suit or matter under this Act shall be dissatisfied with the determination or direction of a judge of a county court on any matter of law or equity, or on the admission or rejection of any evidence, such party may appeal from the same to the vice-chancellor authorized as aforesaid, provided that such party shall, within thirty days after such determination or direction, give notice of such appeal to the other party or his attorney, and also deposit with the registrar of the county court the sum of ten pounds as security for the costs of the appeal ; and the said court of appeal may make such final or other decree or order as it shall think fit, and may also make such order with respect to the costs of the said appeal as such Court may think proper ; and such orders shall be final : provided that nothing herein contained shall authorise any party to appeal against any decision of a County Court, given upon any question as to the value of any real or personal property, for the purpose of determining the question of the jurisdiction of the Court under this Act, nor to appeal against the decision of a County Court on the ground that the proceedings might or should have been taken in any other county court.

19. *Appeal to be made either to the High Court of Chancery or a vice-chancellor.*] In any case which may be the subject of an appeal under this Act in causes arising within the county palatine of Lancaster, the appeal may be made either to the High Court of Chancery, or a vice-chancellor thereof, or to the Court of Chancery of the county palatine of Lancaster, or the Vice-Chancellor thereof ; and that in case of an appeal to the Court of Chancery for the said county palatine, or the Vice-Chancellor thereof, the order on such appeal shall have the same effect as if it had been made by a vice-chancellor of the High Court of Chancery ; but no appeal shall be made to the Court of Chancery of the said county palatine, or the Vice-Chancellor thereof, unless the consent thereto, in writing, of the respondent or respondents on such appeal, or of his or their solicitor or solicitors, shall be first obtained.

20. *Registrar of the Bloomsbury County Court of Middlesex,*

not being an attorney or solicitor, to be entitled to retire from his office with compensation.] The present registrar of the Bloomsbury County Court, not being an attorney or solicitor, but holding his office by virtue of section 12 of 9 & 10 Vict. c. 95, shall be entitled on the passing of this Act to claim and receive compensation for the loss of such office in the same manner as is provided by section 38 of the said Act, and the amount of compensation to be awarded shall be paid out of monies that may be voted by Parliament for that purpose.

21. *This Act and 9 & 10 Vict. c. 95, and any Act amending or altering the same, to be construed together.*] This Act and the Act passed in the session of Parliament in the 9 & 10 Vict. c. 95, and any Act amending or altering the same, shall be read and construed as one Act, as if the several provisions contained in the said Acts referred to, not inconsistent with the provisions of this Act, were repeated and re-enacted in this Act.

22. *Salary of T. Rodgers, Esq., as joint-registrar of the County Court of Yorkshire, holden at Sheffield, to be £700 a-year.*

23. *Commencement of Act.*] The provisions of this Act shall come into operation on the 1st day of October, 1865, except the provisions relating to framing a scale of costs and making rules and orders of practice and forms of proceeding, and except the provision which relieves the judges from the obligation of holding Courts during the month of September, without the order of the Lord Chancellor, which provisions shall come into operation on the passing of this Act.

SCHEDULE.

	£	s.	d.
On the commencement of every suit or matter.....	0	10	0
On setting down any matter for hearing.....	1	0	0
On application for final decree or decretal order....	1	0	0

CAP. C.

An Act to transfer from the Admiralty to the Board of Trade Powers and Duties relative to certain Harbours mentioned in the Schedule to this Act.

[5th July, 1865.

SCHEDULE.

Harbours to be transferred.

Portland.	St. Catherine's, Jersey.
Dover (the outer harbour).	Alderney.

CAP. CI.

An Act for authorizing Transferable Debentures to be charged upon Land in Ireland. [5th July, 1865.

CAP. CII.

An Act to amend an Act of the Twentieth and Twenty-first Years of Her Majesty, for the abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and an Act of the Twenty-fourth Year of Her Majesty, to amend the said Act.

[5th July, 1865.

CAP. CIII.

An Act to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of Falmouth. [5th July, 1865.

CAP. CIV.

An Act to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster, and for other Purposes. [5th July, 1865.

PART I.

Preliminary.

1. Short title, "The Crown Suits, &c., Act, 1865."
2. Division of Act into parts.

Part I., Preliminary :

Part II., relating to proceedings by English information in the Court of Exchequer :

Part III., relating to proceedings at law on the Revenue Side of the Court of Exchequer :

Part IV., relating to certain other classes of proceedings where the Crown is interested :

Part V., relating to recovery of succession, legacy, and probate duty in certain cases.

3. Act to extend to England only.
4. Act to commence from and after the 1st November, 1865.

5. *Construction as to Attorney-General, &c.*] With respect to the construction of this Act, the following provisions shall have effect :

- (1.) The provisions of this Act relative to her Majesty's Attorney-General shall be construed as applying also to her Majesty's Solicitor-General, when a vacancy in the office of Attorney-General or other occasion so requires :
- (2.) The provisions of this Act relative to the Crown, or to her Majesty in right of the Crown, shall be construed as applying also to the Duchy of Lancaster, or to her Majesty in right of that duchy, when the case so requires :
- (3.) The terms "party" and "parties," where used in this Act include, and the same terms where used in any enactment extended and applied by this Act shall for the purposes of this Act include her Majesty's Attorney-General, and the Attorney-General of the Prince of Wales and Duke of Cornwall, as the case may require :
- (4.) The term "a judge" where used in this Act means any judge of one of her Majesty's superior courts of law at Westminster transacting business out of court.

PART II.

Proceedings by English information in the Court of Exchequer

6. *Interpretation of terms in part II.]* In this part of this Act—

The term "the Court of Exchequer" or "the Court" means her Majesty's Court of Exchequer at Westminster exercising jurisdiction or authority in suits relating to the revenues of the Crown and of the Duchies of Lancaster and Cornwall instituted and conducted according to the forms of equitable procedure :

The term "information" means an information, styled an English information, exhibited in the Court of Exchequer in the name of her Majesty's Attorney-General, or of the Attorney-General of the Prince of Wales and Duke of Cornwall, as the informant, and includes an information and bill :

The term "suit" or "cause" means a suit or cause commenced by information :

and, except as expressly provided otherwise, nothing in this part of this Act shall be deemed to apply to any proceedings other than proceedings in suits commenced by information.

7. An information shall be printed, and shall be received and filed in print, and not otherwise.

8. Abolition of *subpœna* and *distringas*, and substitution of service of printed information.

9. Except in case of a corporation aggregate, such service shall be effected as service of a writ of *subpœna* is now effected (save that the original information shall not be produced) ; and in case of a corporation aggregate, such service shall be effected by delivery of a printed information, having an indorsement thereon as aforesaid, to the mayor or other head officer, or to the town clerk, clerk, treasurer, or secretary of the corporation.

10. Printed information served to be first marked by officer.

11. A defendant shall be entitled to have as many printed copies of the information as he requires, on paying for them at such rate as general rules under this part of this Act direct.

12. Amendments to be subject to same rules.

13. An information shall not contain interrogatories, but the informant within such time as general rules direct may file interrogatories for the examination of defendants from whom he requires an answer, and deliver to each such defendant, or his solicitor, a copy of the interrogatories, or of such of them as are applicable to the particular defendant.

14. Defendant not bound to answer unless interrogated.

15. *Time for defendant to put in plea, answer, or demurrer, &c.*] A defendant, whether required to answer or not, may, without leave of the Court or a judge, put in a plea, answer, or demurrer within such time as general rules

direct, but after that time a defendant not required to answer shall not be at liberty to put in a plea, answer, or demurrer, except by leave of the Court or a judge ; nevertheless the power of the Court or a judge to grant further time for pleading, answering, or demurring, on the application of a defendant, whether required to answer or not, shall remain unaffected.

16. An answer may contain not only the defendant's answers to the interrogatories, if any, but also such statements material to the case as he thinks fit to set forth therein.

17. Abolition of commissions to take answers, &c.

18. Pleas, answers, disclaimers, examinations, affidavits, declarations, affirmations, and protestations of honour in causes depending in the court may be sworn and taken in Scotland, Ireland, the Isle of Man, or the Channel Islands, or in any colony, island, plantation, or place under the dominion of her Majesty in foreign parts, or before any Court or judge, or before any notary public, or before any person authorized to administer oaths there, or in any foreign parts out of her Majesty's dominions before any of her Majesty's consuls or vice-consuls there ; and every such instrument may be used and shall be admitted in evidence, saving just exceptions ; and judicial and official notice shall be taken of the seal or signature of any such court, judge, notary public, person, consul, or vice-consul affixed, appended, or subscribed to any such document.

19. False swearing, &c. to be perjury, in any plea, answer, &c.

20. Oath of messenger abolished.

21. By general rules the examination of witnesses on written interrogatories may be discontinued, and such amendments as from time to time seem fit may be made in the mode of taking evidence and the practice relative thereto ; and for the purpose of such evidence any officer or person from time to time directed by general rules or by an order of the Court or a judge to take such evidence may administer oaths and take declarations.

22. The court shall be deemed to be a court of civil judicature within the meaning of section 103 of the Common Law Procedure Act, 1854.

23. Where a suit becomes abated by death or otherwise, or becomes defective by reason of some change or transmission of interest or liability, an order to the effect of an order to revive, or of a supplemental decree, may be obtained, as of course, on an allegation of the abatement of the suit, or of the same having become defective, and of the change or transmission of interest or liability ; and the parties who would in the same case be defendants to an information of revivor or supplemental information shall, when served with such order, be parties to the suit, and be bound to appear within such time and in such manner as general rules direct, subject to the following provisions :

(1.) It shall be open to any party so served (within such time after service as general rules direct) to apply to the Court or a judge to discharge the order on any ground that would have been open to him on an information of revivor or supplemental information :

(2.) If any party so served is under any disability other than coverture, the order shall be of no effect as against such party until a guardian *ad litem* has been appointed for such party, and such time has elapsed thereafter as general rules direct.

24. Facts or circumstances occurring after the institution of a suit may be introduced by way of amendment into the original information if the cause is otherwise in such a state as to allow of the information being amended, and if not, may be stated on the record in such manner, and subject to such regulations with respect to the proof thereof, and to the affording defendants leave and opportunity to answer and meet the same, as general rules direct.

25. Writs in counties palatine to be directed to sheriffs.

26. Power to Court to rectify errors in procedure.

27. Saving for *distringas* to restrain transfer of stock, &c.

28. Power to Court to make general rules.

29. Nothing in this part of this Act, or in any general rules made under it, shall apply to any suit commenced by information filed before the commencement of this Act ;

nevertheless in any such suit the Court or a judge may, if it seems fit, on hearing the parties, from time to time direct that the procedure and practice prescribed in this part of this Act, or in any general rules made under it, be followed in the court in any respect.

30. Fees, remuneration, &c., to be appointed by Treasury, with concurrence of barons. Certain provisions of 28 & 29 Vict. c. 45, to apply to fees taken under this section.

PART III.

Proceedings at Law on the Revenue Side of the Court of Exchequer.

31. The provisions of sections 34 to 37, and 39 to 45 (all inclusive), and of sections 59 and 95, of the Common Law Procedure Act, 1854, shall extend and apply to the Revenue Side of her Majesty's Court of Exchequer, at Westminster, as a court of law (to which court the term "the court," when hereafter used in this part of the Act, refers), in the same manner as those provisions apply to the Plea Side of that court.

32. Effect of appeal as to stay of execution.

33. Repeal of section 36 of 18 & 19 Vict. c. 96, and section 14 of 20 & 21 Vict. c. 62.

34. Sections 2 and 3 of 14 & 15 Vict. c. 99, "to amend the law of evidence," and the Evidence Amendment Act, 1853, shall extend and apply to proceedings at law on the Revenue Side of the Court; and any proceeding at law on the Revenue Side of the Court shall not, for the purposes of this Act, be deemed a criminal proceeding within the meaning of the said sections and Act, as extended and applied by the present section.

35. Application of section 103 of 17 & 18 Vict. c. 125.

36. Abolition of writ of *distringas*.

37. *Suits against British subjects resident out of jurisdiction of Exchequer.* In a suit at law on the Revenue Side of the Court against a British subject resident out of the jurisdiction of the Court in any place except Scotland or Ireland, the informant may sue out against that person a writ of *subpoena* bearing an indorsement stating that the writ is for service out of the jurisdiction of the Court; and the time for appearance by the defendant to such writ shall be regulated by the distance from England of the place where he is resident; and the Court or a judge, on being satisfied by affidavit that the writ was personally served on the defendant, or that reasonable efforts were made to effect personal service thereof on him, and that it came to his knowledge, and either that he wilfully neglects to appear to the writ, or that he is living out of the jurisdiction of the Court in order to defeat the claim to which the information relates, may order from time to time that the informant be at liberty to proceed in the suit in such manner and subject to such conditions as to the Court or a judge seem fit, the time allowed for the defendant to appear being reasonable, and regard being had to the other circumstances of the case; but it shall be a condition precedent to the informant's obtaining judgment that he give proof of the merits of the claim to the satisfaction of the Court or a judge, or of the officer of the court to whom the Court think fit to refer the matter.

38. *Suits against foreigners resident out of jurisdiction of Exchequer.* In a suit at law on the Revenue Side of the Court against a person not a British subject, resident out of the jurisdiction of the Court in any place except Scotland or Ireland, the like proceedings may be taken as against a British subject resident out of the jurisdiction, save that in lieu of the form of writ used in that case the informant shall issue a writ of *subpoena* commanding the defendant to appear within the time therein prescribed, after service on him of notice of the writ, and shall, in manner aforesaid, serve a notice of the writ on the defendant; and such service shall have the same effect as service of the writ of *subpoena* in a suit against a British subject resident out of the jurisdiction of the Court; and thereupon, by leave of the Court or a judge, on their or his being satisfied by affidavit, the like proceedings may be had and taken as aforesaid.

39. The forms of writs of *subpoena* and of notice given in the second schedule to this Act, applicable in the respective cases aforesaid, shall be used in those cases, with such variations as circumstances require, but general rules relating to the process and practice at law of the Revenue Side of the court may from time to time prescribe any such altered,

additional, or substituted forms of writs of *subpoena* and notice for use in the respective cases aforesaid as seem fit, and the same shall be used accordingly.

40. Omission to insert or indorse matters in or on writ not to nullify it.

41. *A amendment in case of substitution by mistake, &c., of one writ for another.* If in any such case one form of writ of *subpoena* is by mistake or inadvertence substituted for another, such mistake or inadvertence shall not be an objection to the writ or any other proceeding in the suit, but on an *ex parte* application to a judge, either before or after an application to set aside such writ or any proceeding thereon, and whether the writ or notice thereof has been served or not, the writ may be amended by a judge without costs.

42. *Writs for service in and out of jurisdiction.* A writ of *subpoena* for service out of the jurisdiction may be issued and marked as a concurrent writ with one for service within the jurisdiction, and a writ of *subpoena* for service within the jurisdiction may be issued and marked as a concurrent writ with one for service out of the jurisdiction.

43. Affidavit may be sworn before a consul, &c.

44. False swearing, before such consul, to be perjury.

45. No repeal or other provision in this part of this Act shall affect or apply to any suit or proceeding instituted or taken before the commencement of this Act.

PART IV.

Certain other classes of proceedings where the Crown is interested.

46. *Provision for change of venue and for view.* Where a cause, in which her Majesty's Attorney-General on behalf of the Crown is entitled to demand as of right a trial at bar, is at any time depending in any of her Majesty's superior Courts of law at Westminster, whether instituted before or instituted after the commencement of this Act, and the Attorney-General states to the Court that he waives his right to a trial at bar, the following provisions shall have effect:

- (1.) The Court, on the application of the Attorney-General, shall change the venue to any county in which the Attorney-General elects to have the cause tried:
- (2.) The Court may (if requisite) order that the sheriff of the county into which the venue is removed do cause a view to be had by jurors of that county (notwithstanding that the view must be taken and had by such sheriff and jurors out of their own county):
- (3.) For the purposes aforesaid the Court may make such orders as seem necessary or proper; and all such orders shall be binding on all sheriffs and other officers, and on all jurors and other persons concerned, and shall be sufficient warrant for the doing of everything thereby authorised or directed to be done:
- (4.) The powers of the judges of the superior courts of law and of the judges of the Court of Exchequer, as a Court of revenue at law respectively, to make general rules for the regulation of procedure and practice, and of costs, charges, and expenses, shall extend to the making of such general rules as from time to time seem fit for the better execution of this section:
- (5.) Subject to any such rules, the provisions of the Common Law Procedure Act, 1852, and of any rules made under it, and all other law and practice for the time being in force relative to change of venue and to views, shall extend to the cases of change of venue and view to which this section relates.

47. *Extents and writs of diem clausit extremum.* A commission to find a debt due to the Crown shall not be necessary for authorizing the issue of an immediate extent or of a writ of *diem clausit extremum*; and an immediate extent may be issued on an affidavit of debt and danger, and a writ of *diem clausit extremum* may be issued on an affidavit of debt and death (similar, *mutatis mutandis*, to the affidavit of debt and danger, or of debt and death, on which, after inquisition returned, an immediate extent or a writ of *diem clausit extremum* has been used to be issued), and on the fiat of the Chancellor of the Exchequer, or of a Baron of her

Majesty's Court of Exchequer at Westminster, or of a judge of her Majesty's Court of Queen's Bench or Common Pleas at Westminster.

48. Future Crown debts, &c. not to affect land till writ of execution issued and registered.

49. *Mode of registration and discontinuance of other modes of registration.*] The registration of such writ or process shall be affected as follows; namely, a minute of the name of the person against whom the writ or process is issued, and of the date of the issuing thereof, and of the amount for which it is issued shall be left with the senior master of the Court of Common Pleas at Westminster, who shall forthwith enter the same particulars in a book by the name in alphabetical order of the person against whom the writ or process is issued; and no other registration of such writ or process, or of the judgment, decree, order, recognizance, inquisition, obligation, specialty, or acceptance of office, in pursuance of or in relation to which it is issued, shall be necessary for any purpose. There shall be paid for every such entry a fee of two shillings and sixpence; and all persons shall be at liberty to search the said book, with the other books in the office, on payment of a fee of one shilling.

50. The Act of 25 Geo. 3, c. 35 "for the more easy and effectual sale of lands, tenements, and hereditaments of Crown debtors or of their sureties," shall extend to authorize the sale, subject and according to the provisions of that Act, of any land taken in execution by virtue of any writ or process of execution issued after the commencement of this Act, by any Court of Law or Equity, for enforcing the payment of any sum of money to or in favour of the Crown.

51. Nothing in this part of this Act shall take away or abridge any prerogative or right of the Crown, in respect of priority or otherwise, over or against the creditors of any debtor or accountant to the Crown, and, save as in this part of this Act expressly provided, every prerogative or right of the Crown, as against the land of any debtor or accountant to the Crown, or over or against the creditors of any such debtor or accountant, shall remain in all respects as if this part of this Act had not been enacted.

52. *Inquiry on objection to inquisition finding Crown's Title.*] With respect to inquests of office or inquisitions after the commencement of this Act finding the title of Her Majesty in right of the Crown or in right of the Duchy of Cornwall, or the title of the Prince of Wales and Duke of Cornwall, to any real property, the following provisions shall have effect:

- (1.) If in any such case a copy of the inquisition is served on any person, and such person thinks himself aggrieved by any description of boundary or other finding therein, he may within six months after such service, or within such enlarged time as Her Majesty's Court of Exchequer at Westminster or a judge may think fit to allow, file in the office of the Court of Exchequer in which the inquisition is filed a statement in writing of his objection to the inquisition:
- (2.) On any such objection being filed, the Court of Exchequer or a baron thereof, on the application of the proper officer on behalf of her Majesty in right of the Crown or in right of the Duchy of Cornwall, or on behalf of the Prince of Wales and Duke of Cornwall (as the case may require), may appoint a fit person to inquire into the matter of the objection; and the person so appointed shall hold an inquiry on or near the land in question, or at some other convenient place (notice of the time and place for the holding of the inquiry being given to the person objecting); and for the purposes of such inquiry the person so appointed shall have power to summon witnesses and administer oaths:
- (3.) The person so appointed shall make a return in writing to the Court of Exchequer of the result of the inquiry, which return shall be filed in the office in which the inquisition is filed; and if in any respect the return and the inquisition differ in effect, the inquisition shall be deemed to be altered so as to conform with the return:
- (4.) Where a copy of an inquisition is served as aforesaid, an affidavit of service shall be filed in the office in which the inquisition is filed, and an office copy of such affidavit shall be evidence of the service:
- (5.) Nothing in this section shall take away or abridge the right of any person to traverse an inquisition.

PART V.

Recovery of Succession, Legacy, and Probate Duty in certain cases.

53. Enactments in third Schedule repealed.

54. *Construction of Part V.]* In this part of this Act—

The Term "the Succession Duty Act" means the Succession Duty Act, 1853:

The term "the Legacy Duty Acts" means the Acts for charging duties on legacies and shares of the personal estates of deceased persons, so far as those Acts relate to England:

The term "the Court of Exchequer" means her Majesty's Court of Exchequer at Westminster.

This part of this Act, as far as it relates to duty under the Succession Duty Act and Legacy Duty Acts, shall be read with the Succession Duty Act as one Act.

55. If any person accountable for or chargeable with duty under the Succession Duty Act or the Legacy Duty Acts, required by the Commissioners of Inland Revenue to deliver an account under those Acts or any of them, makes default in doing so, the commissioners may sue out of the Court of Exchequer a writ of summons commanding him to deliver an account and to pay the duty and the costs of the proceedings, or to show cause to the contrary; and on cause being shown such order shall be made as seems just.

56. Where, in pursuance of the Succession Duty Act or the Legacy Duty Acts, the Commissioners of Inland Revenue make an assessment of duty, and the duty is not paid, and there is no notice of appeal against the assessment under section 50 of the Succession Duty Act, or of disputing the liability to assessment, the commissioners may sue out of the Court of Exchequer a writ of summons commanding the person liable for the duty, or the owner of any property expressly charged therewith, to pay the duty payable by him and the costs of the proceedings, or to show cause to the contrary, and on cause being shown such order shall be made as seems just.

57. Similar provision for summary proceedings for payment of probate duty.

58. Court may before judgment order report and special case.

59. In proceedings by writ of summons as aforesaid, and also in cases of appeal to the Court of Exchequer from the assessment of the Commissioners of Inland Revenue under section 50 of the Succession Duty Act, an appeal shall lie from the decision of the Court or a judge on a case stated by the parties, or, if they differ, settled by the Court of Exchequer or a judge, or any officer of the Court of Exchequer, to whom the same is referred by the Court or a judge; and the Court of Appeal shall give such judgment as ought to have been given by the Court of Exchequer or judge, and may award costs.

60. The appeal in all such cases as aforesaid shall be made to the Court of Error in the Exchequer Chamber, and the decision of that Court shall be subject to appeal to the House of Lords.

61. No such appeal shall be allowed unless notice thereof is given in writing to the opposite party or attorney, and to the proper officer of the Court of Exchequer, within four days after the decision complained of, or such further time as may be allowed by the Court or a judge; and bail shall be given and approved of as provided with respect to suits at law on the Revenue Side of the Court of Exchequer.

62. Power to Court to make general rules.

63. *Forms of writs in schedule.]* The forms of writs of summons given in the 4th schedule to this Act, applicable in the respective cases aforesaid, shall be used in those cases with such variations as circumstances require; but general rules under this part of this Act may from time to time prescribe such altered, additional, or substituted forms of writs of summons for use in the respective cases aforesaid, or any of them, as seem fit, and the same shall be used accordingly.

64. *Application of procedure and practice of Revenue Side of Court.]* Subject to the provisions of this part of this Act, and to general rules made thereunder, proceedings by writs of summons as aforesaid shall be deemed proceedings at law on the Revenue Side of the Court of Exchequer, within the meaning of sections 10, 11, and 16 to 22 (both inclusive) of

the Act 22 & 23 Vict. c. 21, "to regulate the office of Queen's Remembrancer, and to amend the practice and procedure on the Revenue Side of the Court of Exchequer."

SCHEDULES.

THE FIRST SCHEDULE.

Form of indorsement on English information under Part II.
To the within-named C.D.

Victoria R.

We command you [and every of you, where there are more defendants than one,] that within — days after service hereof on you, exclusive of the day of such service, you cause an appearance to be entered for you in our Court of Exchequer at Westminster to the within-contained information, and that you observe what our said Court directs.

Witness — at Westminster this — day of — 18—

Note.—If you fail to comply with the foregoing directions an appearance may be entered for you, and you will be liable to be arrested and imprisoned [or, in case of a corporation, to be distrained by all your lands and chattels], and to have a decree made against you in your absence.

Appearances are to be entered at the Queen's Remembrancer's Office, Chancery-lane, London.

THE SECOND SCHEDULE.

Forms of writs of subpoena and notice under Part III.

(A.)

Writ where defendant, being a British subject, is resident out of jurisdiction of Court of Exchequer.

Victoria, &c.

To C.D. of — in the county of —.

We command and strictly enjoin you, that within [here insert a sufficient number of days within which the defendant might appear with reference to the distance he may be at from England] days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Court of Exchequer at Westminster, to answer us concerning certain articles then and there on our behalf to be objected against you; and take notice, that in default of your so doing we shall proceed thereon to judgment and execution.

Witness, &c.

[Memorandum to be subscribed on writ.]

This writ is to be served within [six] calendar months from the date thereof, or, if renewed, from the date of such renewal, including the day of such date, and not afterwards. [Indorsement to be made on writ before service thereof.]

At the suit of her Majesty's Attorney-General [or as the case may be].

By information.

This writ is for service out of the jurisdiction of the Court of Exchequer, and is issued by E. F., the solicitor of [as the case may be].

[if for penalties].

for the forfeiture by you of — pounds for penalties under the statutes relating to the revenue of customs [or excise, stamps, taxes, &c., as the case may be];

[or, if for duties or a debt],

for the recovery of — pounds for duties due from you under the statutes relating [&c., as before,—or state shortly the nature of the debt].

Take notice, that in default of your entering an appearance in the Court of Exchequer, according to the exigency of this writ, an information may be filed and judgment signed thereon, and execution issued on such judgment, together with costs, at the expiration of fourteen days from the day of signing such judgment.

(B.)

Writ where defendant, not being a British subject, is resident out of jurisdiction of Court of Exchequer.

Victoria, &c.

To C. D. — late of — in the county of —.

We command and strictly enjoin you, that within [here insert a sufficient number of days within which the defendant might appear with reference to the distance he may be at from England] days after notice of this writ is served on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Court of Exchequer at Westminster to answer us concerning certain articles then and there on our behalf to be objected against you; and take notice, that in default of your so doing we shall proceed therein to judgment and execution.

Witness, &c.

[Memorandum to be subscribed on writ.]

Notice of this writ is to be served within [six] calendar months from the date thereof, including the day of such date, and not afterwards.

[Indorsement as on writ (A.)]

(C.)

Notice of last foregoing writ.

To C.D. [late of Brighton in the County of Sussex], residing at [Paris in France].

Take notice, that in the name of the Attorney-General of her Majesty Queen Victoria of the United Kingdom of Great Britain and Ireland [or, as the case may be]. E. F., the solicitor of [as the case may be], has commenced proceedings at law against you C.D. in her Majesty's Court of Exchequer at Westminster by writ of that Court dated the — day of — A.D. 18—.

[if for penalties].

for the forfeiture by you of — pounds for penalties under the statutes relating to the revenue of customs [or excise, stamps, taxes, &c., as the case may be];

[or, if for duties or a debt].

for the recovery of — pounds for duties due from you under the statutes relating [&c., as before,—or state shortly the nature of the debt].

Take notice, that you are required within — days after the receipt of this notice, inclusive of the day of such receipt, to defend yourself against the said proceedings by entering an appearance in the said Court of Exchequer, and that in default of your so doing an information may be filed, and the said E. F. may, by leave of that Court or of a judge of one of her Majesty's superior Courts of Law at Westminster, proceed thereon to judgment and execution.

(Signed)

E. F.,

Solicitor of —.

THE THIRD SCHEDULE.

Enactments repealed as to England by Part V.

Session and Chapter.	Extent of Repeal.
42 Geo. 3, c. 99	Section two.
16 & 17 Vict. c. 51	Sections forty-seven and forty-eight.
22 & 23 Vict. c. 21	Sections twelve, thirteen, fourteen, and fifteen.
24 & 25 Vict. c. 92	Section I.

THE FOURTH SCHEDULE.

Forms of writs of summons under Part V.

(A.)

For Account and Payment by Executor.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, that you, being — accountable part — within the true intent and meaning of the Succession Duty Act, 1853, and the Legacy Duty Acts, have been required by our Commissioners of Inland Revenue to render an account, pursuant to the said Acts, and have made default therein.

Now we command you — that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to the said Commissioners of Inland Revenue an account, upon oath, of all the legacies and of all the property of the said — deceased, paid or to be paid or administered by you as such executor as aforesaid, and that you do within the same time pay the duty chargeable upon the said legacies and property of the said — deceased, and the costs of these proceedings; or that you, the said —, do, within the same time, appear before the Barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to omit upon pain of process of contempt issuing against your person — for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord 186—.

(B.)

For Account and Payment by Administrator.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, that you, being — accountable part — within the true in-

tent and meaning of the Succession Duty Act, 1853, and the Legacy Duty Acts, have been required by our Commissioners of Inland Revenue to render an account, pursuant to the said Acts, and have made default therein.

Now we command you — that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to the said Commissioners of Inland Revenue an account, upon oath, of all the personal estate and effects of the said — deceased, paid or to be paid or administered by you as such administrat as aforesaid, and that you do within the same time pay the duty chargeable upon the said personal estate and effects of the said — deceased, and the costs of these proceedings; or that you the said — do within the same time appear before the barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to omit, upon pain of process of contempt issuing against your person for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord, 186—.

(C.)

For Account and Payment by Trustee, Legatee, &c.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, being — accountable part — within the true intent and meaning of the Succession Duty Act, 1853, and the Legacy Duty Acts, have been required by our Commissioners of Inland Revenue to render an account, pursuant to the said Acts, and have made default therein.

Now we command you — that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to the said Commissioners of Inland Revenue an account, upon oath, of —, and that you do, within the same time, pay the duty chargeable — and the costs of these proceedings; or that you the said — do within the same time appear before the Barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to omit upon pain of process of contempt issuing against your person for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord, 186—.

(D.)

For Account and Payment by Successor, Trustee, &c.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, that you, being — accountable part — within the true intent and meaning of the Succession Duty Act, 1853, have been required by our Commissioners of Inland Revenue to render an account, pursuant to the said Act, and have made default therein.

Now we command you — that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to the said Commissioners of Inland Revenue an account upon oath, of all the property to which, or to the income whereof, — became beneficially entitled as successor — on the death of — deceased, by reason of the disposition thereof made by — and that you do, within the same time, pay the duty chargeable on the said succession and the costs of these proceedings; or that you the said — do within the same time appear before the Barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to omit upon pain of process of contempt issuing against your person for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord, 186—.

(E.)

For Accounts and Payment by Executor, being also Successor.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, that you, being — accountable part — within the true intent

and meaning of the Succession Duty Act, 1853, and the Legacy Duty Acts, have been required by our Commissioners of Inland Revenue to render an account pursuant to the said Acts, and have made default therein.

Now we command you — that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to the said Commissioners of Inland Revenue an account, upon oath, of all the legacies and of all the property of the said — deceased, paid or to be paid or administered by you as such executor as aforesaid, and also an account of all the property to which, or to the income whereof, you have — become beneficially entitled as such successor as aforesaid upon the death of the said — deceased — and that you do, within the same time, pay the duty chargeable under the Legacy Duty Acts upon the said legacies and property of the said — deceased, and also the duty chargeable under the said Succession Duty Act upon the said property as — succession — as aforesaid, and the costs of these proceedings; or that you the said — do within the same time appear before the Barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to omit upon pain of process of contempt issuing against your person for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord 186—.

(F.)

For payment of Succession Duty when assessed.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, that you, being — accountable part — within the true intent and meaning of the Succession Duty Act, 1853, have, as required by the said Act, delivered to our Commissioners of Inland Revenue an account of the property for the duty whereon you are accountable, and that the said Commissioners have, in pursuance of the said Act, assessed the duty on such account, but that you — have made default in payment of the same, or some part thereof.

Now we, having been likewise given to understand, in manner aforesaid, that there has been no appeal from the said assessment, and no notice of disputing the liability to the same, command you — that (all excuses ceasing), within fourteen days from the service of this writ or a copy thereof, you do pay to the said Commissioners of Inland Revenue, or their proper officer, the said duty so assessed, or such part thereof as shall at the time of such service be by law due and payable, and the costs of these proceedings; or that you the said — do, within the same time, appear before the Barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to omit upon pain of process of contempt issuing against your person for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord 186—.

(G.)

For Account and Payment of Probate Duty.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, to — greeting:

Whereas we have been given to understand, in our court before our Barons of the Exchequer at Westminster, that you, having taken possession of and administered some part or parts of the personal estate and effects of —, deceased, have not obtained probate of the will (or letters of administration of the estate and effects) of the said — deceased within the time required by law.

Now we command you —, that (all excuses ceasing) within fourteen days from the service of this writ, or a copy thereof, you do deliver to our Commissioners of Inland Revenue an account, upon oath, of the estate and effects of the said —, deceased, and of the true value thereof, and that you do, within the same time, pay to the said commissioners of Inland Revenue such duty as would have been duly payable on such probate (or letters of administration) as aforesaid if the same had been duly obtained by you, and the cost of these proceedings; or that you, the said —, do within the same time, appear before the Barons of our said Exchequer at Westminster, and show cause why you make default in the premises, and this you — are in nowise to

omit upon pain of process of contempt issuing against your person for your neglect therein.

Witness — at Westminster, the — day of — in the year of our Lord 186—.

CAP. CV.

An Act to continue the Poor Law Board for a limited Period. [5th July, 1865.

1. Continuance of the Poor Law Board until 23rd July and end of then session of Parliament.

CAP. CVI.

An Act to authorize Loans in aid of the Construction of Docks in British Possessions. [5th July, 1865.

CAP. CVII.

An Act to continue certain Turnpike Acts in Great Britain. [5th July, 1865.

1. Continuance of Acts in schedule except 7 Geo. 4, c. lxxxv.; 7 Geo. 4, c. cxxv.; 7 & 8 Geo. 4, c. vii.; 9 Geo. 4, c. cviii.; 1 Will. 4, c. viii.; 3 Will. 4, c. liii.; 3 Will. 4, c. lxi.; 3 & 4 Will. 4, c. c.; 2 Vict. c. xiv.; 5 Vict. c. xlv.; 6 & 7 Vict. c. cviii.; 13 & 14 Vict. c. lxxxv., until 1st November, 1866.

2. Application of Sections 118 and 124 of 3 Geo. 4, c. 126, as to encroachments on turnpike roads, to turnpike roads that have become ordinary highways.

3. It shall be the duty of the trustees or Commissioners of a turnpike road that is about to become, or has become, an ordinary highway, to hold such meetings as may be necessary for the complete winding-up of the affairs of their trust or commission, and any such meeting shall be legal if held at any time within two months after the time limited for the expiration of their trust or commission.

4. Short title, "The Annual Turnpike Acts Continuance Act, 1865."

SCHEDULE.

53 Geo. 3, c. xli.	11 Geo. 4, c. xxxii.	3 Will. 4, c. lix.
54 Geo. 3, c. lxxxv.	11 Geo. 4, c. lxxxii.	3 Will. 4, c. lxxv.
55 Geo. 3, c. xc.	11 Geo. 4, c. lxxxiii.	3 Will. 4, c. lxxix.
59 Geo. 3, c. cxxii.	11 Geo. 4, c. xcix.	3 Will. 4, c. lxxxii.
3 Geo. 4, c. iii.	1 Will. 4, c. xlv.	3 Will. 4, c. lxxxiv.
4 Geo. 4, c. lxii.	1 & 2 Will. 4, c. xix.	3 Will. 4, c. xcii.
4 Geo. 4, c. cvi.	1 & 2 Will. 4, c. xxii.	3 Will. 4, c. xciii.
4 Geo. 4, c. cviii.	2 Will. 4, c. lxxv.	3 Will. 4, c. xcix.
5 Geo. 4, c. xi.	2 Will. 4, c. lxxv.	4 Will. 4, c. xi.
5 Geo. 4, c. xxv.	2 Will. 4, c. lxxvii.	4 & 5 Will. 4, c. lxxiii.
5 Geo. 4, c. lvi.	3 Will. 4, c. v.	4 & 5 Will. 4, c. lxxix.
7 Geo. 4, c. cxxvi.	3 Will. 4, c. ix.	13 & 14 Vict. c. lxxvii.
7 & 8 Geo. 4, c. lvi.	3 Will. 4, c. xii.	15 Vict. c. xevii.
9 Geo. 4, c. li.	3 Will. 4, c. xvii.	
9 Geo. 4, c. lxxv.	3 Will. 4, c. xxiv.	
11 Geo. 4, c. xxi.	3 Will. 4, c. xlv.	

CAP. CVIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Nottingham, Rusholme, Plymouth, Redcar, Cardiff, Kingston-upon-Hull, Guildford, Ramsgate, Ryde, Workington, and Oxford, and for other Purposes relative to certain Districts under the said Act.

[5th July, 1865.

CAP. CIX.

An Act for transferring the Ulster Canal to the Commissioners of Public Works in Ireland.

[5th July, 1865.

CAP. CX.

An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the Hastings District.

[5th July, 1865.

CAP. CXI.

An Act to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other persons.

[5th July, 1865.

1. Short title, "The Navy and Marines (Property of Deceased) Act, 1865."

2. Interpretation of terms—"Admiralty," "officer," "seaman or marine," "representation," "representative," "person."

3. On the death of any person being or having been an officer, seaman, or marine, the amount (if any) to the credit of the deceased in the books of the Admiralty, in respect of sale of effects, arrears of pay, wages, prize money, bounty money, grants, or other allowances in the nature thereof, or other money payable by the Admiralty (which amount is hereafter in this Act, with reference to every such case, called the residue), shall be disposed of according to the provisions of this Act.

4. On the death of any person being or having been employed in any of her Majesty's dockyards or other naval establishment, or in any of the civil departments of the Navy, or entitled to an allowance from the Compassionate Fund, or of any widow entitled to a pension on the establishment of the Navy, the amount (if any) due by the Admiralty (which amount is hereafter in this Act, with reference to every such case, called the residue), shall be disposed of according to the provisions of this Act.

5. Where the residue exceeds £100 the Admiralty shall dispose thereof by paying it to the representative of the deceased.

6. Where the residue does not exceed £100 it shall not be necessary for any purpose that representation to the deceased be taken out; but in any case the Admiralty may, if they think fit, require representation to be taken out, and if on that requisition or otherwise, representation is taken out, then the admiralty shall dispose of the residue by paying it to the representative.

7. Power to require certificate, &c., before representation in case of seaman or marine.

8. Where the residue does not exceed £100, and representation is not taken out, then, subject to the other provisions of this Act, the Admiralty shall, as soon as may be, dispose of the residue as follows:—

- (1.) They shall, if they think fit, pay the residue to any person showing herself or himself to their satisfaction to be entitled to take out representation to the deceased (otherwise than as a creditor)—to the end that the residue may be applied by the person to whom it is so paid in a due course of administration; and the same shall be so applied accordingly (for which application the admiralty may require such security as they think fit):
- (2.) Or else the admiralty shall, if they think fit, pay to the persons (if any) beneficially interested in the residue their respective shares thereof:
- (3.) And in cases where the foregoing provisions of the present section do not apply, and the amount of the residue appears to the admiralty insufficient to cover the expense of representation, the admiralty shall dispose of the residue in manner prescribed by order in council.

9. Admiralty not bound to pay to nominee of representative.

10. Admiralty not to dispose of residue for three months, &c.

11. In the case of a seaman or marine, where representation is not taken out, the admiralty shall, before disposing of the residue, or any part thereof, satisfy out of the residue (as far as the same will extend) any debt of the deceased of which they have notice, subject to the following conditions:

First.—That the debt accrued due within three years before the death:

Second.—That payment of it is claimed within two years after the death:

Third.—That the claimant proves the debt to the satisfaction of the admiralty:

Fourth.—That six months have elapsed from the receipt by the Admiralty of notice of the death, and no person has shown herself or himself to the satisfaction of the Admiralty to be entitled to take out representation to the deceased.

In any such case, any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money being under this Act in the hands of

the Admiralty by any means or proceeding whatever except by means of a claim lodged with the admiralty and proceedings thereon under and according to this Act.

12. Nothing in this Act shall prejudicially affect the claim of any creditor in respect of a debt incurred before the commencement of this Act.

13. The provisions of this Act relative to the residue, in the case of a deceased officer, seaman, or marine, shall extend and apply, *mutatis mutandis*, to unsold effects and money (if any) in charge of the admiralty.

14. Medals and decorations belonging to an officer, seaman, or marine dying on service shall not be considered as comprised in the personal estate of the deceased with reference to the claims of creditors, or for any of the purposes of administration under this Act or otherwise; and notwithstanding anything in this or any other Act, the same shall be held and disposed of according to regulations prescribed by order in council.

15. *Exemptions from duty.* Where the residue does not exceed £100 and is administered and disposed of under this Act without representation being taken out, it shall not be liable to the payment of any duty; and if in any case the admiralty under this Act require security by bond for the application of a residue in due course of administration, the bond shall be exempt from stamp duty where an ordinary administration bond relative to the same residue would be so exempt; but this provision shall not affect any exemption from duty existing independently hereof.

16. Every payment or application of money, and every sale or other disposition of property, made by the admiralty in pursuance of this Act, or of any order in council for carrying this Act into effect, shall be good and valid as against all persons whomsoever; and the admiralty shall be by virtue of this Act absolutely discharged from all liability in respect of the money or other property so paid, applied, or disposed of.

17. Her Majesty may make orders in council.

18. Orders in council to be published in the *London Gazette*.

19. *Commencement of Act.* This Act shall commence on such day, not later than the 1st day of January, 1866, as her Majesty in council thinks fit to direct.

Any order in council for the better execution of any of the purposes of this Act may nevertheless be made before that day, but not so as to commence before it.

CAP. CXII.

An Act to repeal enactments relating to Powers of the Commissioners of the Admiralty, and to various matters under the control of the Admiralty.

[5th July, 1865.]

1. Repeal of enactments in schedule.

2. Commencement of Act.

3. *Publication of orders in council.* Every order in council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within thirty days after the making thereof if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament.

4. Short title, "The Admiralty, &c., Acts Repeal Act, 1865."

SCHEDULE.

ENACTMENTS REPEALED.

9 & 10 Will. 3, c. 41 (9 Will. 3, c. 41, in the Statutes of the Realm.)

4 Ann. c. 16 (4 & 5 Ann. c. 3, in the Statutes of the Realm) in part.

9 Geo. 3, c. 30.

54 Geo. 3, c. 159, in part.

57 Geo. 3, c. 118.

59 Geo. 3, c. 56.

59 Geo. 3, c. 59.

1 Geo. 4, c. 85.

1 & 2 Geo. 4, c. 93.

10 Geo. 4, c. 26, in part.

11 Geo. 4, and 1 Will. 4, c. 20, in part.

11 Geo. 4, and 1 Will. 4, c. 41, in part.

2 & 3 Will. 4, c. 40, in part.

4 & 5 Will. 4, c. 25.

5 & 6 Will. 4, c. 24, in part.

7 Will. 4, and 1 Vict. c. 26, in part.

5 Vict. c. 3.

6 & 7 Vict. c. 58.

13 & 14 Vict. c. 62.

15 & 16 Vict. c. 46.

16 & 17 Vict. c. 69, in part.

17 & 18 Vict. c. 19, in part.

26 & 27 Vict. c. 30.

CAP. CXIII.

An Act to authorize the Payment of Retiring Pensions to Colonial Governors. [5th July, 1865.]

CAP. CXIV.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn. [5th July, 1865.]

CAP. CXV.

An Act to amend The Naval Discipline Act, 1864. [5th July, 1865.]

1. *Amendment of Act of 1864 as to minimum term of penal servitude.* With respect to any sentence of penal servitude passed after the passing of this Act under the Naval Discipline Act, 1864, paragraph (4.) of section 49 of that Act shall have effect as if the words "not less than five years" were substituted therein for the words "not less than three years."

2. Short title, "The Naval Discipline Act Amendment Act, 1865."

CAP. CXVI.

An Act to explain the Foreign Jurisdiction Act, 6 & 7 Vict. c. 94. [5th July, 1865.]

CAP. CXVII.

An Act to regulate the appointment of a Vicar or Incumbent to the vicarage of the Parish Church of Rochdale in the County of Lancaster and in the Diocese of Manchester. [5th July, 1865.]

CAP. CXVIII.

An Act to continue and amend the Peace Preservation (Ireland) Act, 1856. [5th July, 1865.]

CAP. CXIX.

An Act for continuing various expiring Acts.

[5th July, 1865.]

1. Short title, "Expiring Laws Continuance Act, 1865."

2. Continuance of Acts in schedule.

SCHEDULE.

Original Acts.	Amending Acts.	Continued until.
3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	.....	1st October, 1866, and end of then next session.
4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	.....	1st October, 1870, and end of then next session.
10 Vict. c. 32. Landed Property Improvement (Ireland).	13 & 14 Vict. c. 31.	1st January, 1866, and end of then next session.
10 & 11 Vict. c. 90. Poor Laws (Ire- land).	14 & 15 Vict. c. 68.	23rd July, 1866, and end of then next session.
10 & 11 Vict. c. 98. Ecclesiastical Ju- risdiction.	.....	1st August, 1867, and end of then next session.
11 & 12 Vict. c. 32. County Cess (Ire- land).	20 & 21 Vict. c. 7.	1st August, 1866, and end of then next session.

Original Acts.	Amending Acts.	Continued until
11 & 12 Vict. c. 107. Sheep and Cattle Diseased.	16 & 17 Vict. c. 62.	1st August, 1866, and end of then next session.
14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	1st January, 1866, and end of then next session.
17 & 18 Vict. c. 117. Incumbered Es- tates (West Indies).	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45. 27 & 28 Vict. c. 108.	2nd August, 1867, and end of then next session.
24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	26 & 27 Vict. c. 50.	1st October, 1866, and end of then next session.
25 & 26 Vict. c. 97. Salmon Fisheries (Scotland) Act.	27 & 28 Vict. c. 118.	1st January, 1867.
26 & 27 Vict. c. 114. Salmon Fisheries (Ireland).	.....	28th July, 1866, and end of then next session.
27 & 28 Vict. c. 92. Public Schools.	.....	1st August, 1866.

CAP. CXX.

An Act to amend the Acts relating to the Preservation and Improvement of Harwich Harbour.

[5th July, 1865.]

CAP. CXXI.

An Act to amend "The Salmon Fishery Act, 1861."

[5th July, 1865.]

CAP. CXXII.

An Act to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland.

[5th July, 1865.]

CAP. CXXIII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending Thirty-first March, One thousand eight hundred and sixty-six, and to appropriate the Supplies granted in this Session of Parliament.

[6th July, 1865.]

CAP. CXXIV.

An Act for consolidating certain Enactments relating to the Admiralty.

[6th July, 1865.]

1. Provisions of 27 & 28 Vict. c. 57, to apply to this Act.

2. Except as otherwise expressly provided, the Commissioners of the Admiralty for the time being may be styled in any action, suit, or other proceeding at law or in equity, "The Commissioners for executing the office of Lord High Admiral of the United Kingdom," without more; and any action, suit, or proceeding shall not be affected by any change among the Commissioners of the Admiralty; and in any action, suit, or proceeding the Commissioners of the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary law and practice relative to costs.

3. Prerogatives of the Crown in suits preserved, &c.

4. Saving for proceeding by information, &c.

5. The superintendents of her Majesty's dockyards shall be in all places justices of the peace in respect of all offences specified in this Act, and of all matters relating to her Majesty's naval service, and the stores, provisions, and accounts thereof.

6. *Punishment for uttering false petitions, certificate, &c.* If any person, in order to sustain any claim to any pay, wages, allotment, prize money, bounty money, grant, or other allowance in the nature thereof, half pay, pension, or allowance

from the Compassionate Fund of the navy, or other money payable by the Admiralty, or to any effects or money in charge of the Admiralty,—or in order to procure any person to be admitted a pensioner as the widow of an officer of the navy,—does any of the following things, namely—offers or utters to any person in the service of the Crown or of the Admiralty any false affidavit, knowing the same to be false, or makes or subscribes, or offers or utters as aforesaid any false written petition, application, statement, answer, certificate, or voucher, or other false writing, knowing the same to be false—every such person shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, or on summary conviction before a justice, sheriff, or magistrate, shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour.

7. 24 & 25 Vict. c. 98, sections 40, 41, 42, 50, 51, 52, 53, incorporated.

8. *Punishment for personation of seamen, &c.* If any person, in order to receive any pay, wages, allotment, prize money, bounty money, grant, or other allowance in the nature thereof, half pay, pension, or allowance from the Compassionate fund of the navy, payable or supposed to be payable by the Admiralty, or any other money so payable or supposed to be payable, or any effects or money in charge or supposed to be in charge of the Admiralty, falsely and deceitfully personates any person entitled or supposed to be entitled to receive the same, every such person shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, or on summary conviction before a justice, sheriff, or magistrate shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour.

9. Saving for punishment under other Acts, &c.

10. Act to commence not later than 1st January, 1866, as her Majesty in Council may direct.

11. Every order in council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament.

12. Short title, "The Admiralty Powers, &c., Act, 1865."

CAP. CXXV.

An Act for the Regulation of Dockyard Ports.

[6th July, 1865.]

CAP. CXXVI.

An Act to consolidate and amend the Law relating to Prisons.

[6th July, 1865.]

Preliminary.

1. Short title, "The Prison Act, 1865."

2. Commencement of Act, 1st February, 1866.

3. This Act shall not extend to Scotland or Ireland, and shall not apply to the prisons for convicts under the superintendence of the directors of convict prisons, or to any military or naval prison.

4. Definition of terms "municipal borough" and "borough," "prison," "gaoler," "clerk of the peace," "treasurer," "quarter sessions," "criminal prisoner."

5. Description of "prison authorities."

6. Definition of "justices in sessions assembled."

7. Provisions of 21 & 22 Vict. c. 92, to apply to all contracts, &c., by prison authority in counties.

PART I.

THE MAINTENANCE AND GOVERNMENT OF PRISONS.

Obligation to Maintain Prisons.

8. *Maintenance of prisons by separate prison jurisdiction.* There shall be provided, at the expense of every county, riding, division, hundred, liberty, franchise, borough, town, or other place having a separate prison jurisdiction, adequate accommodation or its prisoners in a prison or prisons con-

structed and regulated in such manner as to comply with the requisitions of this Act in respect of prisons.

All expenses incurred by a prison authority in carrying into effect the provisions of this Act shall be defrayed out of the county rate, or rate in the nature of a county rate, borough rate, or other rate leviable in the county, riding, division, hundred, liberty, franchise, borough, town, or other place having a separate prison jurisdiction, and applicable to the maintenance of a prison, or out of any other property applicable to that purpose.

9. Definition of separate prison jurisdiction.

Appointment of Officers.

10. Officers of prison to be gaoler, chaplain, surgeon, matron.

11. Appointment of chaplain to two prisons.

12. Assistant-chaplains and deputy-gaoler.

13. Notice to be sent to bishop as to chaplains and assistant-chaplains.

14. Every officer of a prison appointed under this Act shall hold his office during the pleasure of the justices in sessions assembled, and shall receive such salary as they may direct, subject to this proviso, that in the case of a municipal borough the amount of the salary of every prison officer appointed under this Act shall be approved by the Council.

15. Superannuation of officers.

16. Removal of prison officers from apartments.

Discipline of Prisoners.

17. *Requisitions of Act as to separation of prisoners.* The requisitions of this Act with respect to the separation of prisoners are as follows:—

1. In every prison separate cells shall be provided equal in number to the average of the greatest number of prisoners, not being convicts under sentence of penal servitude, who have been confined in such prison at any time during each of the preceding five years:

2. In every prison punishment cells shall be provided or appropriated for the confinement of prisoners for prison offences:

3. In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same buildings, in such manner as to prevent their seeing, conversing, or holding any intercourse with the men:

4. In a prison where debtors are confined, means shall be provided for separating them altogether from the criminal prisoners:

5. In a prison where criminal prisoners are confined, such prisoners shall be prevented from holding any communication with each other, either by every prisoner being kept in a separate cell by day and by night, except when he is at chapel or taking exercise, or by every prisoner being confined by night to his cell, and being subjected to such superintendence during the day as will, consistently with the provisions of this Act, prevent his communicating with any other prisoner.

18. Cells to be certified for confinement of prisoners.

19. Requisitions of Act as to hard labour.

20. *Regulations as to government of prisons.* The regulations contained in the first schedule hereto with respect to the government of prisons shall be binding on all persons in the same manner as if they were enacted in the body of this Act.

21. *Rules in addition to regulations in schedule.* The justices in sessions assembled shall make rules for the supply to all prisoners confined in prisons within their jurisdiction of a sufficient quantity of plain and wholesome food, regard being had, so far as relates to convicted criminal prisoners, to the nature of the labour required from or performed by such prisoners, so that the allowance of food may be duly apportioned thereto, and shall frame dietary tables for this purpose, and the said justices may make rules in respect of any other matters relating to the government of prisons within their jurisdiction, in addition to the regulations in the said first schedule, and may from time to time repeal or alter any rules made or dietary tables framed in pursuance of this section; but no rule or dietary table, or repeal or alteration of a rule or dietary table, shall be valid under this

section until one of her Majesty's principal Secretaries of State has certified his approval in writing under his hand; and when such approval has been certified, such rule or dietary table, or repeal or alteration of a rule or dietary table, shall be binding on all persons in the same manner as if it were enacted by this Act. If the justices in sessions assembled make default in making rules and dietary tables that may be approved by the said Secretary of State in respect of the supply of food to prisoners in any prison within their jurisdiction, there shall be in force in such prison such rules or dietary tables with respect to such supply as may from time to time be determined by the said Secretary of State in writing under his hand.

22. Inspector of prisons to leave a minute of observations.

Enlargement and Rebuilding of Prisons.

23. Power to build prisons.

24. Conditions as to building prisons.

25. Mode of obtaining sanction of Secretary of State to building of prisons.

26. The said Secretary of State may approve of the plans submitted to him with or without modification, or may disapprove of the same, and his approval or disapproval shall be certified in writing under his hand.

27. Any monies borrowed by a prison authority may be charged by that authority on any county rate or rate in the nature of a county rate, borough rate, or other rate applicable to the maintenance of a prison and leviable by that authority, or on any other property belonging to that authority and applicable to the same purpose as the said rates, and shall be repaid, together with the interest due thereon, out of such rates or other property.

28. Clauses of 10 & 11 Vict. c. 16, as to borrowing money, incorporated, except clause 81.

29. Public Works Loan Commissioners to lend money for building prisons.

30. Appointment of surveyor-general of prisons.

Contracts for Maintenance of prisoners and appropriation of Prisons.

31. *Contracts by prison authorities for maintenance of prisoners.* Any prison authority may contract with any other prison authority having a prison in conformity with the requisitions of this Act, that the latter authority is to receive into and maintain in its prison or one of its prisons all prisoners maintainable at the expense of the former authority, or any particular class or classes of such prisoners: provided—

That no such contract shall be valid unless the prison of the latter authority is approved by one of Her Majesty's principal Secretaries of State as being a fit prison to receive the prisoners contracted to be received there.

32. *Expenses of contracts between prison authorities.* A contract entered into between prison authorities for the reception into and the maintenance in the prison of the one authority of the prisoners maintainable by the other authority may include the costs of conveying the prisoners to prison, and all other costs incurred in respect of such prisoners.

All monies payable under the contract shall be raised in the same manner in which monies for defraying the expenses of the prison for which a substitute is provided under the contract would be raiseable; and where such expenses are not by law wholly defrayable out of one fund, and a difference arises between the several persons interested in the several funds applicable to defraying such expenses as to what proportion ought to be applied to paying the expenses arising under the contract, such difference shall be settled by arbitration in manner hereinafter mentioned.

33. *Appropriation of prisons for purposes of classification.* Where two or more prisons are within the jurisdiction of the same prison authority, that authority may carry into effect the requisitions of this Act with respect to the separation of prisoners or the enforcement of hard labour by appropriating particular prisons to particular classes of prisoners.

34. Public notice of prisons being appropriated to certain prisoners to be given in local newspaper.

Penalty for inadequate Prisons.

35. Government allowance withheld from inadequate prisons.

36. Power of Secretary of State to close inadequate prisons.

Offences in relation to prisons.

37. Persons aiding prisoners to escape shall be guilty of felony, and on conviction be sentenced to imprisonment with hard labour for a term not exceeding two years.

38. Persons introducing into any prison any spirituous or fermented liquor or tobacco, and every officer of a prison suffering any spirituous or fermented liquor or tobacco to be sold in the prison, on conviction shall be sentenced to imprisonment for a term not exceeding six months, or to a penalty not exceeding £20 or both, in the discretion of the Court, and prison officers convicted shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

39. Persons conveying any letter or other document into or out of any prison, shall, on conviction, incur a penalty not exceeding £10, and if an officer of the prison shall forfeit his office and all arrears of salary due to him, but this section shall not apply in cases where the offender is liable to a more severe punishment under any other provision of this Act.

40. Notice of penalties to be placed outside of prison.

Discharge of Prisoners.

41. When term of imprisonment expires on Sunday, prisoner to be discharged on preceding day.

42. Allowance may be made to discharged prisoner.

43. Discharged prisoners to be provided with means of returning to place of settlement.

Purchase of land.

44. Certain provisions of 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated, except ss. 16, 17, 84 to 91, and 123 of the first-mentioned Act.

45. Confirmation of title to lands purchased for purpose of prison.

Disposal of unnecessary prisons.

46. Unnecessary prisons may be sold and the money applied for other prisons.

47. Conditions of sale.

Miscellaneous.

48. Coroner shall hold an inquest on every prisoner dying within the prison.

49. General issue may be pleaded to action.

50. *Venue where laid.* All actions, suits, and prosecutions commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county or place where the act complained of was committed, and shall be commenced within six calendar months after the commission thereof, and not otherwise.

51. Provision as to arbitration.

52. *Recovery of penalties.* Offences under this Act with the exception of felonies, and of offences for the mode of trial of which express provision is made by this Act, shall be prosecuted summarily before two justices acting for the division or place where the matter requiring the cognizance of such justices arises, and in manner directed by the Act 11 & 12 Vict. c. 43, and any Act amending the same.

Visiting Justices.

53. The justices within every prison jurisdiction shall, at their first sessions in each year, nominate two or more justices to be visitors of each prison within their jurisdiction.

54. Power to make rules as to visiting justices.

55. Any justice of the peace having jurisdiction in the place to which a prison belongs, may, whenever he thinks fit, enter into and examine the condition of the prison.

LAW OF PRISONS.

56. Abolition of Distinction between gaol and house of correction.

57. *Jurisdiction over prison.* Every prison, wheresoever situate, shall for all purposes be deemed to be within the limits of the place for which it is used as a prison.

58. Every prisoner confined in a prison shall be deemed to be in the legal custody of the gaoler, provided that nothing in this Act shall affect the jurisdiction or responsibility of the

sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto.

59. *Security to sheriff.* The gaoler of any prison in which debtors are confined shall give security to the sheriff for their safe custody to such amount, as may be determined by agreement, or, in default of agreement, may be settled by the justices in sessions assembled; and any such security may be given to the sheriff and his successors in office, and shall be deemed to enure to the benefit of each succeeding sheriff in the same manner as if he were individually named therein.

60. *Responsibility of sheriff.* The sheriff shall not be liable for the escape from imprisonment of any prisoner other than a debtor.

61. *Description of prison in writ.* Any writ, warrant, or other legal instrument addressed to the gaoler of a particular prison, describing the prison by its situation or other definite description, shall be valid, by whatever title such prison is usually known, or whatever be the description of the prison, whether gaol, house of correction, bridewell, penitentiary, or otherwise.

62. Gaoler of prison to deliver calendar.

63. *Removal of prisoners for trial.* A prisoner may be brought up for trial, and may be removed by or under the direction of the gaoler from one prison to another, or from one place of confinement to another, to which such prisoner may be legally removed, for the purpose of being tried or undergoing his sentence, and no prisoner whilst in the custody of a gaoler shall be deemed to have escaped, although he may be taken into different jurisdictions or different places of confinement.

64. Prisoners may be removed from one prison to another by order of the justices in sessions assembled, for the purpose of enabling any prison to be altered, enlarged, or rebuilt, or in case of a contagious or infectious disease breaking out in any prison, or for any other reasonable cause.

65. Her Majesty may order prisoners to be removed from one prison to another.

66. Custody and trial of prisoners in a substituted prison.

67. *Misdemeanants of first division.* In every prison to which this Act applies prisoners convicted of misdemeanour, and not sentenced to hard labour, shall be divided into at least two divisions, one of which shall be called the first division; and whenever any person convicted of misdemeanour is sentenced to imprisonment without hard labour it shall be lawful for the Court or judge before whom such person has been tried to order, if such Court or judge think fit, that such person shall be treated as a misdemeanant of the first division, and a misdemeanant of the first division shall not be deemed to be a criminal prisoner within the meaning of this Act.

Discontinuance of certain prisons.

68. Prohibition of committals to prisons in second schedule.

69. Removal of prisoners in scheduled prisons may be effected without writ of *habeas corpus*.

70. Expenses of prisoners confined in county prisons under Act.

71. Power to use scheduled prisons as lock-up houses.

72. Power to allow compensation to persons deprived of office.

REPEAL OF STATUTES, AND SAVING CLAUSES.

73. Acts and parts of Acts in third schedule repealed.

74. *No repeal hereby enacted to affect any order made, &c.* No repeal hereby enacted shall affect—

1. Any order made, sentence passed, or other act or thing duly done under any Acts hereby repealed;

2. Any right or privilege acquired, any security given, or other liability incurred under any Act hereby repealed,

3. Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed,

4. Any appointment to an office made under an act hereby repealed, or any power of removing the holder of such office, or otherwise dealing with such office as respects

the existing holder thereof in manner provided by any Act hereby repealed.

5. The power of committing prisoners to any prison except in so far as the same may be altered in pursuance of powers given by this Act.

75. *Certificates as to cells.*] All cells certified before the commencement of this Act by any inspector of prisons as being fit to be used for the separate confinement of prisoners shall be deemed to be cells certified for such purpose under this Act.

76. Saving as to repealed provisions referred to in other Acts.

77. Saving as to meaning of Gaol Act, 25 & 26 Vict. c. 44.

78. Saving of rights of creditors.

79. Saving of superannuation allowances.

80. Saving as to rules.

81. Saving as to appointment of officers.

82. Saving as to commissions.

SCHEDULE I.

Contains regulations for government of prisons.

SCHEDULE II.

LIST OF DISCONTINUED PRISONS.

Prisons of	Legal Character of Prison.	County.
Aberystwith.....	Borough Prison...	Cardigan.
Bradinch.....	".....	Devon.
Faversham.....	".....	Kent.
Helstone.....	".....	Cornwall.
King's Lynn.....	".....	Norfolk.
Lichfield.....	".....	Stafford.
Maldon.....	".....	Essex.
Newcastle-under-Lyme...	".....	Stafford.
Penzance.....	".....	Cornwall.
Richmond.....	".....	York.
Romney Marsh.....	Liberty.....	Kent.
Rye.....	Borough.....	Sussex.
South Molton.....	".....	Devon.
Tenterden.....	".....	Kent.

SCHEDULE III.

LIST OF ACTS REPEALED.

Date.	Extent of Repeal.
4 Geo. 4, c. 64.....	The whole Act.
5 Geo. 4, c. 85.....	The whole Act.
6 Geo. 4, c. 40.....	The whole Act.
7 Geo. 4, c. 18.....	The whole Act.
5 & 6 Will. 4, c. 38...	Sections 2, 5, 6, 11, and 12.
5 & 6 Will. 4, c. 76...	Sections 115 and 116.
6 & 7 Will. 4, c. 105...	Sections 1 and 2.
1 Vict. c. 78.....	Sections 37 and 38.
2 & 3 Vict. c. 56.....	The whole Act, except sections 18, 19, 20, and 21, and except sec-

tions 22 and 23 so far as they relate to prisons or places of confinement to which this Act does not extend.

3 & 4 Vict. c. 25..... The whole Act.

5 & 6 Vict. c. 53..... The whole Act.

5 & 6 Vict. c. 98..... Sections 1, 2, 4, 8, 9, 13, 25, and 30, so far as the said sections relate to prisons within the provisions of this Act.

7 & 8 Vict. c. 50..... The whole Act.

7 & 8 Vict. c. 93..... The whole Act.

11 & 12 Vict. c. 39... The whole Act.

16 & 17 Vict. c. 43.... The whole Act.

25 & 26 Vict. c. 44... Sections 2 and 3.

26 & 27 Vict. c. 79... So much of section 3 as is inconsistent with the provisions of this Act, and the whole of section 5, but so far only as relates to prisons to which this Act applies.

CAP. CXXVII.

An Act to amend the law relating to small penalties.

[6th July, 1865.]

1. Short title, "The Small Penalties Act, 1865."

2. This Act shall come into operation on the 1st day of August, 1865.

3. The word "penalty" in this Act shall include any sum of money recoverable in a summary manner.

4. *Recovery of small penalties.*] Where upon summary conviction any offender may be adjudged to pay a penalty not exceeding five pounds, such offender, in case of non-payment thereof, may, without any warrant of distress, be committed to prison for any term not exceeding the period specified in the following scale, unless the penalty shall be sooner paid:—

For any penalty—	The imprisonment not to exceed—
Not exceeding ten shillings.....	Seven days.
Exceeding ten shillings and not exceeding one pound.....	Fourteen days.
Exceeding one pound but not exceeding two pounds.....	One month.
Exceeding two pounds but not exceeding five pounds.....	Two months.

5. Saving as to hard labour.

6. *Application of Act.*] This Act shall apply to penalties, including costs, recoverable in a summary manner in pursuance of any Act of Parliament, whether passed before or after the commencement of this Act; and all provisions of any Act of Parliament authorizing, in the case of non-payment of a penalty not exceeding five pounds, a longer term of imprisonment than is provided by this Act, shall be repealed.

7. *Not to apply to penalties under revenue Acts.*] This Act shall not apply to any penalty imposed by any Act of Parliament relating to the Inland Revenue.

8. Act to extend to England only.

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